

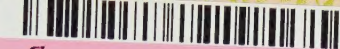




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THE  
Province and the States

A HISTORY OF THE PROVINCE OF LOUISIANA UNDER  
FRANCE AND SPAIN, AND OF THE TERRITORIES  
AND STATES OF THE UNITED STATES  
FORMED THEREFROM

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IN SEVEN VOLUMES

ILLUSTRATED WITH NUMEROUS MAPS AND PORTRAITS

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Weston Arthur Goodspeed, LL. B.

*Editor-in-Chief*

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VOL. V

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MADISON, WIS.  
THE WESTERN HISTORICAL ASSOCIATION  
1904.



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1880

# State of Iowa

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Ex-Governor Frank Darr Jackson, B. S.

*Associate Editor*

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Thomas J. Hudson, B. S.

*Author*





# Iowa

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## CHAPTER I

### Events Preceding Territorial Organization

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IN THE spring of 1673 James Marquette, a priest, and Louis Joliet, a fur trader, with two canoes and five voyageurs, left St. Ignace, on the straits of Mackinaw, to explore the country lying west of the Great Lakes. On the 17th of June they reached the mouth of the Wisconsin, and on the opposite side of the great Father of Waters saw the bluffs of Iowa, not far from the present site of the city of McGregor. For a week they drifted down the Mississippi without seeing signs of a human being. Then foot-prints were discovered upon the western bank by one of the party. The trail was followed for about six miles, when the two leaders came to an Indian village upon the bank of a river, called by the natives the Mo-in-go-na. This name suggested to Marquette that of Des Moines (The river of the Monks), which he gave to both the river and the Indian tribe dwelling on its banks.

These, so far as known to history, were the first white men to set foot upon the soil of what is now the State of Iowa. They were hospitably received by the Indians; a fat dog was killed and a feast was made in honor of the visitors, who remained a week at the village, when they returned to the Mississippi and took up their voyage down its current.

Nine years later Robert Chevalier de la Salle made a voyage to the mouth of the Mississippi, where he laid claim to the coun-

try in the name of France, giving to it the name of Louisiana. Thus France became the recognized possessor of a vast province in the heart of the new world.\*

More than a century elapsed after the visit of Marquette and Joliet to the Des Moines Indian village before anything like a permanent settlement was made within the limits of the present State of Iowa. About the year 1780 an Indian woman discovered lead ore where the city of Dubuque now stands, and this attracted the attention of some of the white men at the trading posts on the east side of the river. On the twenty-second of September, 1788, Julien DuBuque, a Frenchman living at Prairie du Chien, entered into an agreement with the chiefs of the Sacs and Foxes, by which he acquired the exclusive right to all the lead mines in a tract containing about 20,000 acres, and described by DuBuque as being "about seven leagues along the river, and three leagues wide from the river." A settlement was made at Dubuque and the work of mining and smelting the ores was begun. The place soon became known as the "Spanish mines" and "DuBuque's Lead Mines."

In 1796 DuBuque filed a petition with Baron Carondelet, then Spanish governor of Louisiana, asking for a grant from the Spanish government to the same tract he had leased from the Indians. After some delay his petition was granted, and this old Spanish grant became the basis of the first claim by a white man to ownership of a portion of Iowa's soil. It also became the basis of a controversy that was not settled for many years—not until the highest tribunal in the land was called upon to decide it. In October, 1804, DuBuque sold an interest in this grant to Auguste Chouteau of St. Louis, and in May, 1805, both filed petitions with the board of commissioners asking that the action of Baron Carondelet be confirmed. The board granted their claims on the 20th of September, 1806; but in the meantime the province of Louisiana had been ceded to the United States and Spanish dominion had been brought to an end.

One of the first things congress did after the acquisition of the new territory was to divide it on the thirty-third parallel, all south being called the Territory of Orleans, and all north, including Iowa, being constituted the district of Louisiana and made subject to Indiana territory, then just across the river. This was done by the act of March 26, 1805. July 4, 1805, the district of Louisiana was organized into a territory and remained as such until

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\* For an account of La Salle's claims, etc., see Volume I of this work.

1812, when the territory of Orleans was admitted into the Union as the State of Louisiana, and what is now Iowa became a part of the Territory of Missouri.

November 3, 1804, at St. Louis, Gen. W. H. Harrison, then governor of Indiana territory, negotiated a treaty with some of the Sac and Fox chiefs, by which those tribes relinquished their title to a tract of more than 50,000,000 acres. The cession included all the Sac and Fox country east of the Mississippi, extending from the Illinois river to the Wisconsin and Fox rivers, and a considerable tract west of the Mississippi, in what is now the State of Missouri. The consideration on the part of the United States was two thousand two hundred thirty-four dollars and fifty cents in goods and an annuity of one thousand dollars. Article 11 of that treaty also gave to the United States the right to a tract two miles square north of the Wisconsin river or on the right bank of the Mississippi, in the present Iowa, to be used as a site for a military post; and the United States agreed to protect the tribes in their possession of the rest of the country claimed by them. In accordance with this provision, a tract beginning at the mouth of the Wisconsin river and extending two miles up the Mississippi and two miles back into the country was selected at *Prairie du Chien*.

One of the head men of the Sac nation, the celebrated Black Hawk, was not present at this council and was highly displeased at what the other chiefs had done. Black Hawk was not an hereditary chief. He was the son of a warrior named Pyesa—the bearer of the medicine bag. When Pyesa died this honor descended to his son. Added to this distinction was Black Hawk's well known intelligence and bravery. At the age of fifteen he had fought and had vanquished one of the most intrepid warriors of the Sioux tribe. Such prowess could not go unrecognized in the tribal councils, and he soon rose to be one of the greatest of the Sac chiefs. It is said the first representative of the United States he ever saw was Lieut. Zebulon M. Pike who visited the upper Mississippi in the interests of the United States, during the summer of 1805.

Although Black Hawk expressed a liking for Lieutenant Pike he could not forget the injustice done to his tribe by the treaty of 1804, and tried to have it reconsidered. In this case may be seen an example of the one-sided way the United States had of dealing with the Indians. The government sent out representatives to make treaties, but every such treaty had to be ratified by congress before it became operative. Not so with the children



of the forest. When the chiefs set their signatures to an agreement, the whole tribe was bound by the act. There was no ratification for them. Black Hawk wanted the same opportunity as that given to the white man's government. Failing to secure it, his displeasure became lasting, and finally helped to bring about the Black Hawk war fifteen years later.

Soon after Lieutenant Pike's expedition to the Falls of St. Anthony, steps were taken to erect forts upon the sites he had selected. The first of these was Fort Edwards, Illinois. In 1808 Lieut. Alpha Kingsley was sent out to establish a post on the right bank of the Mississippi, and on the 26th of September landed upon the site of Fort Madison, which he took to be the place mentioned in Lieutenant Pike's report as a suitable location for a fort.\*

The Indians regarded the erection of a fort at this point a violation of treaty rights. Under the provisions of Article 11 of the Harrison treaty, the government had selected a tract two miles square at the mouth of the Wisconsin. Black Hawk and his followers insisted that the United States, according to this agreement, was not entitled to two sites. Besides, in article 6 of the same treaty, the government agreed to allow no white men to settle on the lands of the Sacs and Foxes west of the Mississippi. The wily Black Hawk saw in the erection of this fort the beginning of a movement that would, in the end, dispossess his people of their homes. Notwithstanding the statement of Lieutenant Kingsley, that the fort was for the better protection of Indian rights, Black Hawk and his adherents determined to destroy it, and after several attempts succeeded in compelling the whites to evacuate.

This was done on the night of September 3, 1813. Lieut. Thomas Hamilton, who was then in command, had ordered an escape trench dug from the southeast corner of the fort to the river at the point where the boats were moored. Toward midnight the soldiers of the garrison quietly filed through this trench, stooping low to avoid being seen by the Indians that for several days had kept the post in a state of siege. Before leaving, a quantity of inflammable material had been prepared at various points inside the fort, and one man remained behind to apply the torch. When all the others were safely embarked, this man hurried from place to place with a fire-brand, ignited the kindling, glided down the trench, jumped into a boat, and the whole garrison pushed off

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\* It is now believed that the location suggested by Pike is the site of the present city of Burlington, as his description suits the place better than Fort Madison.

down the river. The yell that went up from the Indians when they discovered that the fort was on fire told of their disappointment. Having no canoes at hand with which to pursue Lieutenant Hamilton and his men, they could not assuage their appetite for blood, so they withdrew from the scene, partly content with having driven the whites from the country. At daylight the next morning nothing remained of Fort Madison but one chimney, which for years afterward served rivermen as a landmark.

At the same time Lieutenant Pike was ascending the Mississippi, the expedition of Lewis and Clark was on its way up the Missouri along the western border of Iowa. An incident of this expedition has been connected with all the subsequent history of the State. A short distance below Sioux City one of the party, Sergeant Floyd, died, and was buried upon the bluff overlooking the Missouri river, which high point still bears the name of Sergeant's Bluff. A small river, also near Sioux City, was named for this soldier.

On September 14, 1815, Black Hawk was forced to enter into a treaty at Portage des Sioux, though he did not sign it until May 16, of the next year, when the whites gave up to the Indians all the land north of a line drawn from the southern point of Lake Michigan due west to the Mississippi, except a tract five leagues square for mining purposes, at the mouth of Fevre river and a tract one league square for a fort, at the mouth of the Wisconsin. All the lands affected by this treaty lie east of the Mississippi in Wisconsin and Illinois, but the concession had a great influence upon Indian affairs on the west side of the river. In this treaty Black Hawk signed away, without knowing it, the principal village site of his nation, one that for a hundred and fifty years had been the home of his people. When he discovered this fact, his hatred of the whites was increased and his greatest desire was for revenge.

When Missouri was admitted into the Union as a state in 1821, no provision was made for the territory north of it, chiefly for the reason that no white settlements, except a few in the neighborhood of the Spanish mines, existed there. After the death of DuBuque, which occurred in 1810, the Indians insisted that the lease given him was only to last during his life-time. For a time this claim and the attitude of the Indians, had a tendency to check emigration to the west side of the river. But in spite of Indian opposition, several settlements were made there during the nine years succeeding the admission of Missouri. By 1830 a sufficient number of people had located near the site of the

present town of Galland, in Lee county, to justify Berryman Jennings in opening a school. The place was then called Ah-wi-pe-tuck, (Head of the rapids), and here during the months of October, November and December, 1830, he taught the first term of school ever held in Iowa. In December, 1830, and January and February, 1831, I. K. Robinson, of Mendota, Ill., taught school where Keokuk now stands.

In the spring of 1830 some of the Sac and Fox chiefs started from their village for Prairie du Chien to see the United States commissioner. While en route they were attacked by Menomonies and all but one were killed. When this sole survivor returned to the village with his account of the disaster, a panic ensued, and the village was vacated. Some time in June of the same year two brothers by the name of Longworthy crossed over from the mines on the east side of the river, and, finding the village deserted, took possession. Several miners were brought over from "Hardscrabble,"\* and preparations were made to begin mining, when Capt. Zachary Taylor (afterward president), then in command at Prairie du Chien, gave them a week's notice to leave the Indian country. To this the miners at first demurred; but, when a detachment of troops arrived at the end of the week, only a few were found upon the ground, and these were soon expelled. A small force of soldiers was stationed there to prevent the miners from again taking possession and to protect the belongings of the Indians.

In the meantime treaties had been made by which the government acquired for the first time title to a large tract of land in Iowa. August 4, 1824, at Washington, D. C., a treaty by which they ceded all their lands in the State of Missouri to the government, was concluded with the Sac and Fox chiefs. At the same time a tract of about 120,000 acres in what is now Lee county, Ia., was set apart as a reservation for half-breeds, which land soon became known as the Half-Breed Tract.

By a treaty with the Chippewas, Sacs and Foxes, Menomonies, Iowas, Sioux and Winnebagoes, at Prairie du Chien, August 19, 1825, boundaries were fixed for the different tribes. Some of these Indian possessions were located in northern and northeastern Iowa; for instance, each of the two tribes, Medewakantons and the Sacs and Foxes, was appointed a strip twenty miles wide, beginning near the northeastern corner of the State and extending from the Mississippi in a southwesterly direction to the Des Moines river.

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\* The mines known as Hardscrabble are about nine miles north of Galena, Illinois. The name resulted from a contest over their ownership.



On July 15, 1830, the United States acquired title to all that part of Iowa from the Missouri and Big Sioux rivers on the west to the divide between those streams and the Des Moines. This land was ceded to the government to be allotted as hunting grounds to the several tribes signing the treaty. These tribes were the Sioux, Omahas, Otoes, Sacs and Foxes and the Missouri. It was provided that they should not be molested in their possession, but they discovered some years afterward that this provision did not amount to much when the whitemen wanted their lands.

At the same time the Sacs and Foxes and the Medewakantons ceded to the United States their twenty-mile strips (from the Mississippi to the Des Moines) that had been set apart for them by the treaty of August 19, 1825. This tract was to be common hunting land for all the tribes and was known as the Neutral Ground. Two years later, September 15, 1832, all that part of this forty mile strip lying east of the east branch of Cedar river, was given to the Winnebagoes in consideration of their relinquishing their title to a large tract of land in Illinois and Wisconsin.

None of these treaties opened the country to the whites for settlement. Under an act of congress passed in 1785, no settler was to be permitted to enter upon any tract of land until the Indian title was completely extinguished. This had not yet been done in a single treaty relating to the land that now constitutes the State of Iowa. But on the 21st of September, 1832, at Fort Armstrong (now Rock Island), Illinois, a treaty was concluded with the Sacs and Foxes, by which a large part of Eastern Iowa was opened. The treaty was signed by Gen. Winfield Scott and Gov. John Reynolds of Illinois, on behalf of the United States, and nine Sac and twenty-four Fox chiefs, headed by the celebrated Keokuk, on the part of the Indians. The boundaries of the cession were as follows: Beginning on the Mississippi river at a point where the Sac and Fox northern boundary line, as established by article two of the treaty of Prairie du Chien, July 15, 1830, strikes said river; thence up said boundary line to a point fifty miles from the Mississippi river; thence in a right line to the Red Cedar branch of the Iowa river forty miles from the Mississippi river; thence in a right line to a point in the northern boundary line of the State of Missouri, fifty miles from the Mississippi river; thence by said northern boundary of Missouri to the Mississippi river, and thence up said river to the place of beginning. Within these boundaries was established a reservation

containing four hundred square miles. It began at Keokuk's village, twelve miles from the Mississippi river, and extended along both sides of the Iowa river to the western boundary line of the cession. The United States agreed to pay a small annuity for thirty years, and to assume certain debts due Indian traders, but the land was really taken as an indemnity for the expenses of the Black Hawk war, and was called the Black Hawk Purchase.

Congress ratified the treaty in the following February and on the 1st of June, 1833, the land was opened for settlement. Until that date soldiers were stationed at various places along the river to keep back those who should anticipate the opening proclamation. Even then a few daring individuals eluded the vigilance of the military and succeeded in establishing themselves in the new purchase. Among these was the settlement begun on the site of old Fort Madison, by Zachariah Hawkins and Benjamin Jennings, a few weeks after the treaty was concluded. The name of the fort was applied to the new settlement, and this was the beginning of the present town of Fort Madison proper, the county seat of Lee county.

By the 1st of January, 1833, there were about two hundred miners at the Dubuque mines. Again the troops were called into requisition and the "boomers" were forced to retire to the opposite side of the river to wait for the formal opening. With the 1st of June they promptly returned and resumed mining operations. But they were not long permitted to do so unmolested, for soon John S. Sheldon arrived on the scene, as an agent of the United States government, to assume the management of the mines. He allowed each miner to stake off a claim six hundred feet square, on condition that all his ores should be carried to a licensed smelter that paid a royalty to the government. This was continued but a short time, however, until the lands were sold outright, and the owners carried on the business to suit themselves.

During the summer of 1833 a settlement was effected at Burlington by Sampson White and Morton McCarver. Toward winter two stores were opened there by W. R. Ross and Jeremiah South. A post office was established at Dubuque, which early in the following year took the name of "Dubuque," the place prior to that time having been known as the "Lead mines" or the "Spanish Mines."

During the time the new purchase was being settled, the country was without a government and practically without law. In 1830, while the Longworthy brothers and their company were at

the Dubuque mines, a committee was appointed to draft rules and regulations for the government of the community. The committee performed its labors June 17, but before the new code could be tested the soldiers broke up the settlement.

In May, 1834, an affair that led to the action of congress establishing authority over the region occurred at the Dubuque mines.

Among the miners were several turbulent characters, and brawls were frequent. Little attention was paid to the ordinary quarrels, but when Patrick O'Connor shot and killed George O'Keaf, in cold blood, the situation grew more serious. Some wanted to hang O'Connor immediately, but wiser counsel finally prevailed, and he was granted a trial. The court at Galena, Ill., denied jurisdiction over the settlements west of the river, and the people organized a court for themselves. O'Connor was given the privilege of selecting the jury. In order to accommodate all who wanted to hear the trial, the "court" met out of doors. The proceedings were conducted with as much decorum and solemnity as is usually seen in duly established courts. The jury sat upon a log while they heard the testimony of the few witnesses; the attorneys for the prisoner and for the prosecution made their arguments; the jury carefully weighed the evidence, found O'Connor guilty of murder in the first degree, and he was sentenced to be hanged on the 20th of June. A month remained before the sentence was to be executed. During that time an effort was made to secure a pardon, or at least a commutation of the sentence. Not until they had taken this step was it fully realized how completely and hopelessly Iowa was beyond the pale of the law. The governor of Missouri said rightfully that he had no power to grant a pardon. When the matter was brought before President Jackson, he replied that congress had not extended the laws of the United States to that part of the country, and consequently he could not intervene. It appeared that the only power that could pardon or reprieve the condemned man lay in the self-constituted court that convicted him. This power the settlers were unwilling to exercise, and at one o'clock on the 20th of June, O'Connor expiated his crime on the gallows.

Meantime the attention of congress had been drawn to the situation, and that body hastened to provide laws for the Territory that had been an outcast since 1821. On the 28th of June, the president approved an act extending the boundaries of Michigan to the Missouri and White Earth rivers and embracing all the territory between the northern boundary of Missouri and the forty-ninth parallel, "the inhabitants therein to be entitled to the same



privileges and immunities and be subject to the same laws, rules and regulations, in all respects, as the other citizens of Michigan Territory." This act came too late to benefit O'Connor, but it placed the people of the Black Hawk Purchase under the authority and protection of the United States.

On January 30, 1834, congress passed a law giving to the inhabitants of the Half-Breed Tract the lands in severalty and fee simple. Up to this time the title had been subject to the same laws and conditions as the Indian titles to reservations. No sooner was this law approved than a horde of speculators rushed in to buy the half-breed lands. For a showy blanket or a cheap gun the title was often secured to a whole section of land. But if the speculator thus took advantage of the half-breeds, the full-blooded Indian, in his turn, took advantage of the speculator. Pretending to be a half-breed, some shrewd brave would sell a tract to which he had not a shadow of a title, and get away with the proceeds before the land shark would discover he had been swindled. Such instances were by no means rare, and numerous lawsuits resulted.

During the year 1835 the town of Salem was settled by Aaron Street and a society of friends. This was the first Quaker settlement in Iowa. The same year the town of Fort Madison was laid out, and lots were offered for sale. Three years later the town had a population of more than six hundred.

In 1836 the town of Dubuque was platted. With the first sale of lots, the old Julien Dubuque claim came up for adjudication. When, by the treaty of 1832, the mines came into the possession of the United States, Henry Chouteau, to whom the greater part of the grant had descended, continued to mine lead until Federal troops compelled him to vacate. He tried to get the question of title into the courts then, but the court at Galena disclaimed jurisdiction. Chouteau then brought suit to recover some lead he had mined and thus indirectly to test the validity of the Spanish grant, by virtue of which he laid claim to the mines. At the trial he could not identify the lead for which he sued and consequently lost his case.

Among the first purchasers of lots, in 1836, was one Patrick Moloney. As soon as Moloney had taken possession, Chouteau brought suit for an undivided interest of seven-eighths of the value of the land—that being the proportion of the old Dubuque claim held by him as one of the heirs of Auguste Chouteau. The United States district court decided adversely to Chouteau, and the case was appealed to the supreme court of the United States,

where it remained till 1853 before a final decision was reached. While the case was pending in the supreme court, bills corroborating Chouteau's claim were introduced in both houses of congress. On the 30th of March, 1846, the senate committee reported in favor of a bill to confirm the title of Dubuque to his heirs and assigns, except where lands had been sold by the United States. In that case lands of equivalent value might be selected from the public domain. The bill also repealed the town plats of Fort Madison, Dubuque and Burlington so far as unsold lots were concerned. This bill failed to become a law, a majority voting against it, preferring to wait until the supreme court had handed down a decision. At the December term, in 1853, Justice Wayne decided (the other justices concurring) that the Indian lease given to Dubuque died with him. As this lease formed the basis of Chouteau's claim the court necessarily was compelled to declare his title null and void.

In May, 1836, John King, with a Smith press and some type, started the Dubuque *Visitor*, the first newspaper of Iowa. King was not a practical printer, so he employed William C. Jones to act as foreman, and Andrew Keesicker to set type. Jones received a salary of three hundred and fifty dollars and boarding a year, and Keesicker afterward became one of the most noted compositors in the country. Six years later the press was taken to Lancaster, Wis., where it was used in the publication of the Lancaster *Herald*. In the spring of 1848 it was removed to St. Paul, where it printed the first issue of the *Pioneer*, and still later was taken to Sioux Falls, S. D., where it was used in publishing the Dakota *Democrat* until it was destroyed by the Indians in March, 1862.

On September 28, 1836, the Sac and Fox reservation, set apart at the time the Black Hawk Purchase was negotiated, was ceded to the United States, and thus a tract of four hundred square miles in what is now Louisa county was opened to settlement.

In 1836 the Territory of Wisconsin was created by congress, and all the country west of the Mississippi river, lying north of the State of Missouri and extending to the Missouri and White Earth rivers, was made part of the new Territory. In 1834 the Black Hawk Purchase had been divided into the two counties of Dubuque and Des Moines by the Michigan legislature. On the first Monday in October 1836, in pursuance of a proclamation issued by Governor Dodge of Wisconsin, an election was held for members of the legislative assembly. Dubuque county was given three members of the council and five members of the house, and

Des Moines, three councilmen and seven representatives. This was the first election ever held in any portion of the present State of Iowa. From Dubuque county John Fally, Thomas McKnight and Thomas McCarney were elected to the council, and Loving Wheeler, Hardin Nowlin, Peter H. Engle, Patrick Quigley and Hosea T. Camp were elected to the house. In Des Moines county the election resulted in the choice of Jeremiah Smith, Jr., Joseph R. Teas and Arthur B. Ingram for the council, and Isaac Leffler, Thomas Blair, Warren L. Jenkins, John Box, George W. Teas, Eli Reynolds and David R. Chance for the house.

When the legislature met, Peter H. Engle was chosen speaker of the house; and through the influence of Maj. Jeremiah Smith the capital of the Territory was removed from Belmont to Burlington until the public buildings at Madison could be completed. As an inducement for this removal, Major Smith put up at his own expense the building at Burlington which was used as a capitol. On December 7, an act was passed dividing Des Moines county into the counties of Lee, Van Buren, Henry, Muscatine, Des Moines and Cook.\*

So rapidly was the country west of the Mississippi filling up with settlers that more land was demanded. In October, 1837, some of the Sac and Fox chiefs went to Washington, D. C., and there, on the 21st of the month, a treaty by which the United States came into possession of one million two hundred and fifty thousand acres, west of and adjoining the Black Hawk Purchase, was concluded. This second purchase was a double-triangular tract of land. The northern and southern points coincided with the northwestern and southwestern corners of the Black Hawk Purchase, while the central portion was about twenty-five miles wide and extended from the Cedar to the Iowa rivers through what is now Benton county. At the same time, the Sacs and Foxes and the Yankton Sioux, for one hundred thousand dollars, ceded their possessions in Northeastern Iowa, adjoining the Neutral Ground, and a majority of the tribes relinquished all claims to the hunting grounds on the Missouri slope, as established by the treaty of July 15, 1830. On the twenty-third of November the Iowas surrendered their claims to this tract, and the government obtained complete ownership.

The population of Iowa was now about fifteen thousand, and a separate territorial existence was freely discussed. On the 6th of November, 1837, a general convention of delegates from the

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\*The name of Cook county was changed to Scott by the legislature of 1837.

counties of Wisconsin west of the Mississippi, met at Burlington to consider the question. A memorial to congress, asking for the erection of a new territory to be known as Iowa, was adopted. Four days later the second Wisconsin legislature met at Burlington. On the 21st of December a bill dividing the county of Dubuque into Buchanan, Cedar, Clayton, Clinton, Delaware, Dubuque, Fayette, Jackson, Jones and Linn counties, was passed. Of these Clayton, Dubuque and Jackson were declared to be fully organized. On the same date the counties of Benton, Johnson and Keokuk were created, partly from the old county of Des Moines, as established by the legislature of Michigan, and partly from the second purchase. In the early part of this session the temporary capitol, erected by Major Smith, was destroyed by fire. The council found a meeting place in a room over a store, the house met in a frame dwelling near by, and the session was continued without serious interruption.

An extra session of this legislature was convened in June, 1838. On the 12th of that month the president approved an act dividing the Territory of Wisconsin and creating the Territory of Iowa. This act was passed in response to a memorial sent up from the Burlington convention. By it the boundaries of the new Territory included the present State of Iowa, all that part of Minnesota lying west of the Mississippi river, and all the Dakotas east of the Missouri and White Earth rivers. The act was made to take effect on the fourth of July, 1838. On that day the citizens in the vicinity of Keokuk's village, six miles west of Muscatine, celebrated the event by making a bonfire out of the old trading house erected there by Farnham five years before. Provisions for an election to be held on the 10th of September for the selection of twenty-six representatives and thirteen councilmen for a territorial legislature, and for the choice of a delegate to congress were also made in the organic act. Soon after approving the act, President Van Buren appointed the following territorial officers: Governor, Robert Lucas, of Ohio; secretary, William B. Conway, formerly of Pennsylvania; chief justice, Charles Mason, of Burlington; associate justices, Thomas S. Wilson, of Dubuque, and Joseph Williams of Pennsylvania; attorney-general, M. Van Allen, of New York; marshal, Francis Gehon of Dubuque. With these officials at the helm Iowa was launched upon the sea of separate political existence and began her voyage toward statehood.



## CHAPTER II

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### The Territorial Era

ROBERT LUCAS, the first territorial governor of Iowa, was born at Shepherdstown, Jefferson county, Va., April 1, 1781, and was a descendant, on his paternal side, of William Penn. While he was still in his childhood, his parents removed to Chillicothe, O., where he was educated by a private tutor. For a profession he selected that of surveying, and at the age of twenty-three was elected surveyor of Scioto county, O. Two years later he was elected a justice of the peace in the same county. He took an active interest in the organization of Ohio militia, of which he rose to be major-general. In the War of 1812, he was with General Hull in the invasion of Canada, many of the troops being hopeful that he would supersede Hull in command. At the surrender of Detroit he escaped capture, and made his way to Cleveland, where he was commissioned a captain in the regular army. In 1816 he was elected a member of the Ohio legislature, and for the next nineteen years was a member of either the house or the senate. He was permanent chairman of the Democratic convention at Baltimore that nominated Jackson for president in 1832, and the same year was elected governor of Ohio. Two years later he was re-elected. During his administration he wielded great influence in settling the boundary dispute between Michigan and Ohio. In 1836 he declined a third term and retired from politics until appointed governor of Iowa, June 12, 1838. With this appointment he was also made ex-officio superintendent of Indian affairs for the new Territory, and given power to select a temporary capital. For the purpose of making a selection, he visited all the principal towns along the Mississippi river, finally deciding on

Burlington, where the territorial government was fully instituted on the 16th of August. After retiring from the office of governor, he continued to live in Iowa until his death, which occurred at Iowa City, February 7, 1853.

Simultaneously with the organization of the territorial government was inaugurated the first political campaign. Four candidates for delegate were nominated, not so much along party lines as in the interest of certain localities. They were William W. Chapman and David Rorer, of Des Moines county; Peter H. Engle of Dubuque county, and B. F. Wallace of Henry county. Chapman, Engle and Rorer were Democrats and Wallace was a Whig. In the election, September 10, Chapman received 1,490 votes; Engle, 1,454; Wallace, 913, and Rorer, 605. Thirty votes were also cast for a man named Talliaferro, making the total number of votes 4,492.

The first legislature, which was elected at the same time, was largely Democratic, though party lines were not very closely drawn, for when the legislature met, on the 12th of November, Jesse B. Brown, of Lee county, was elected president of the council, and William H. Wallace, of Henry county, speaker of the house, yet both were Whigs. The members of the council in this first legislature were Jesse B. Brown, J. Keith, E. A. M. Swazy, Arthur Ingram, Robert Ralston, George Hepner, Jesse J. Payne, D. B. Hughes, James M. Clark, Charles Whittlesey, Jonathan W. Parker, Warner Lewis and Stephen Hempstead. The members of the house were William Patterson, Hawkins Taylor, Calvin J. Price, James Brierly, James Hall, Gideon S. Bailey, Samuel Parker, James W. Grimes, George Temple, Van B. DeLashmutt, Thomas Blair, George H. Beeler (elected to fill a vacancy caused by the death of Cyrus S. Jacobs, who was killed), William G. Coop, William H. Wallace, Asbury B. Porter, John Frierson, William L. Toole, Levi Thornton, S. C. Hastings, Robert G. Roberts, Laurel Summers, Jabez A. Burchard (S. R. Murray was returned as elected, but the seat was contested and won by Burchard), Chauncey Swan, Andrew Bankson, Thomas Cox and Hardin Nowlin.

In each branch of this legislature sat one of the future governors of the State of Iowa: Stephen Hempstead in the council, and James W. Grimes in the house. Most of the members were young men, fourteen being under thirty years of age. Of the thirty-nine members, nine were natives of Virginia, four of Ohio, four of Pennsylvania, four of New York, two of North Carolina, two of New Hampshire, two of Vermont, and one

of each of the States of Tennessee, Maryland, Connecticut, and Illinois. Although the Southern element predominated, the legislature took a firm stand in opposition to slavery—a position which Iowa ever afterward maintained. The sessions were held in the old Zion church, the council meeting in the basement and the house in the main room above. Zion church was the first brick church in Iowa, and, though primarily intended for a place of worship, it served as capitol, court house and public hall.

Governor Lucas's message to this assembly was full of good recommendations concerning the future of the State. It has been spoken of as "one of the very best ever delivered to any Iowa assembly." Since coming into the Territory he had carefully studied the situation, and had familiarized himself with the needs and resources of the Territory over which he had been appointed to preside. Yet, for all that, not many days elapsed before serious friction occurred between the legislature and the executive. Several things contributed to bring this about. In the first place, when Governor Lucas arrived at Burlington in August, he found that the territorial secretary, W. B. Conway, had preceded him, and had assumed the executive prerogative. He had already issued a proclamation dividing Iowa into judicial districts, and was about to issue a second one apportioning the members of the legislature and ordering an election, when the governor put in appearance. Governor Lucas was displeased at the assumption of the secretary and did not hesitate to say so. From that time until the death of Conway, in November, 1839, the relations between them were anything but cordial.\*

Most of the legislators were inexperienced in the business of making laws, and in the pride of their first election to a public office preferred to follow their own judgment and inclinations rather than the recommendations of their more experienced and conservative governor. In this course they were aided and abetted by the secretary, who lost no opportunity to show his servility to the legislature and his opposition to the governor.

The organic act gave the governor power to appoint nearly all the local officers, such as sheriffs and justices of the peace, and some of the legislators thought this was too much authority for one man to have in a republic. Another provision in the organic act was, that "the governor shall approve all laws

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\* Conway had previously lived at Pittsburg, Penn., where he had edited a paper. So bitter were his personalities that he found it to his advantage to leave that city. Craig, of the *Pittsburg Gazette*, gave him a sobriquet that clung to him while he remained there—"Vile and Speckled Reptile."

passed by the legislative assembly before they shall take effect." Referring to this in the closing sentences of his message, Governor Lucas said: "I shall at all times take pleasure in concurring with you in acts that tend to advance the general interests of the Territory and the prosperity of the people; but at the same time will be compelled to withhold my assent to such acts, or proceedings, as I may conscientiously for the time being believe to be prejudicial to the public good."

Nothing was thought of these remarks at the time, but in the light of subsequent events the members of the assembly soon came to regard them as a threat. In construing the passage of the organic law referred to, the governor took the view that it conferred upon him the power to veto objectionable legislation. On the other hand, the legislature interpreted the word "shall" as being the equivalent of "must," and insisted that the governor had no alternative but to approve every act of the assembly.

The immediate cause of the difference lay in the election of officers (clerks, door-keepers, etc.), for the assembly. Governor Lucas in his message had recommended economy. When the legislature elected what he considered twice the necessary number of such officers, he promptly objected. Then, in the early days of the session, he applied the veto to a bill that met his disapproval, and the members of the legislature found to their dismay that the organic act contained no provision for passing a bill over the governor's objection. His veto was absolute. However, they adopted resolutions that "when an act is presented to the governor for his approval, he shall, within a reasonable time thereafter, make known to the house in which said act originated, of his approval thereof, or if not approved of, the act shall be returned with his objections thereto." To this resolution the governor paid no attention until January 4, 1839, when he said: "I see no place in the organic law that vests the Council or the House of Representatives with the right to dictate to the Executive in the discharge of his duties."

In appearance Governor Lucas resembled Andrew Jackson. He was tall and slender, and had the same kind of obstinate iron-gray hair. He also resembled him in that grim determination to stand up for what he believed to be right. Perhaps he sometimes lacked tact, as his reply to the assembly in this instance would indicate. This manifestation of independence on the part of the governor was looked upon by the assembly as a declaration of war, and on the 15th of January they passed a resolution declaring that "Robert Lucas is unfit to be the ruler of



a free people," and a committee was appointed to prepare a memorial to President Van Buren asking for his immediate removal. Of this memorial Judge Shambaugh, in his Constitutional history of Iowa, says:

"This remarkable memorial concerning Robert Lucas reads much like the arraignment of King George III in the Declaration of Independence. In the political history of Iowa it stands as the declaration of the independence of the will of the representatives of the people as over against the will of the administration. It stands as the protest of Democracy against the exercise of arbitrary power. Its significance lies not in any statement or misstatement of historical facts, but in the spirit of independence, courage and democracy which pervades its lines."

Governor Lucas was not removed, but congress, on the 3d of March, 1839, amended the organic law, making sheriffs, judges of probate, justices of the peace, and county surveyors, elective, and providing that the legislature should submit all laws to the governor, who should approve them or return them to the assembly with his objections, when two-thirds of the members in each branch could pass such measures over his veto.

Burlington had been selected by Governor Lucas as the temporary capital until the legislature should fix upon a permanent location. At this first session they passed an act naming Chauncey Swan of Dubuque county, Robert Ralston of Des Moines county, and John Ronalds of Louisa county, as commissioners to select a location in Johnson county for a permanent capital, which was to be known as Iowa City. The act further provided that these commissioners should meet at Napoleon in Johnson county, on the 4th of March, take the oath and proceed to discharge their duties.

When March 4 came round, Chauncey Swan was the only member of the commission that appeared at the designated place of meeting. A large crowd had assembled; Robert Walker, a justice of the peace, was on hand to administer the oath, but the failure of the other commissioners to appear put a stay to the proceedings. Noon came, and the crowd grew more anxious. The board must be organized that day or its acts would not be legal. It was known that the people of Burlington were desirous of keeping the capital at that place, and many suspected that a trick of some kind was being played. Something must be done. The nearest commissioner, John Ronalds, lived thirty-five miles away, and one can imagine the condition of the roads

at that season of the year in the new country. At two o'clock in the afternoon Philip Clark, mounted on a good steed, set out for Louisa county, to find Ronalds and bring him to Napoleon. Seventy miles to ride between that time and midnight.

About twenty-five miles from Napoleon lived William Sturgis on Cedar river. When Clark reached Sturgis's, he secured a fresh horse, leaving his own there until he returned, and hurried on, fearing that Ronalds might be absent from home, and at the same time hoping that he would not be. On, on, like Paul Revere, rode this courageous frontiersman, not "past Middlesex village and farm," but through the unbroken wilds of Cedar valley. One rode to save a nation; the other to save the capital of his State. Late in the afternoon he reached his destination, to find Ronalds about to start for Burlington. A few minutes more and his ride would have been in vain.

Clark hurriedly explained the situation. Ronalds, in turn, explained how he had been misinformed as to the time and place of the meeting. The two started at once for Napoleon, merely stopping at Sturgis's long enough for Clark to exchange horses again. On account of the darkness their progress was slow, though they pushed on, hoping to reach Napoleon before midnight.

Meantime the crowd waited at Napoleon with unabated interest. Would Clark get back in time? Would Ronalds be with him? These questions were uppermost in the minds of all. Nine, ten, eleven o'clock, and no tidings of the courier. Then clocks and watches were set back to give him more time. A few minutes before twelve o'clock a murmur ran through the expectant throng. They were coming! The oath was quickly administered to Ronalds, and a cheer went up from the people. The day was saved. The long ride of Clark had so fatigued him that he had to be almost lifted from his horse. For days he was stiff and sore from the unwonted exertion, but he was none the less a hero. But for his timely assistance the capital of Iowa might never have been located at Iowa City—in fact, that city might never have been.

As soon as Ronalds had taken the oath, the board organized and then adjourned till the next morning. Then, after looking over the ground, they selected section 10, township 79, range 6. Thomas Cox and John Frierson were employed to plat the town, which was completed during the spring, and a shaft of gray limestone about eight feet high was erected at the southeast corner of the section. This monument bore the names of Martin

Van Buren, president of the United States, Robert Lucas, governor of Iowa, and the commissioners, as well as the legend that it was erected "May 4, 1839," and marked the site of "Iowa City." Sales of lots were ordered in August and October. At these sales 206 lots were sold for a little more than thirty-five thousand dollars. Of this, sixteen thousand dollars was in cash and the remainder in notes.

Ever since the time of the Black Hawk purchase, a strip of land about twelve miles wide, along the southern boundary of Iowa, had been in dispute, both Iowa and Missouri claiming it.\* In the summer of 1839, the authorities of Clark county, Mo., placed the names of all settlers living on the disputed tract on the tax list, and sent a man named Uriah Gregory to collect the taxes. The citizens of Van Buren county, Ia., regarded this as a usurpation of authority, and swore out a warrant for Gregory's arrest. Henry Heffleman, sheriff of Van Buren county, served the warrant and lodged Gregory in jail at Muscatine, which was the nearest prison available. This action aroused the indignation of the people of Clark county, and Governor Boggs, of Missouri, was called upon to send troops to wipe out the insult. Governor Boggs ordered out 1,000 of the Missouri militia, under General Allen, to preserve order and particularly to see that the laws of Missouri were enforced.

But in Governor Lucas, Boggs found a foeman worthy of his steel. While he was governor of Ohio, a similar dispute had arisen between that State and Michigan. In that contest he was victorious. His long military service had taught him to act promptly. He immediately ordered Maj. Gen. Jesse B. Brown to take a detachment of the Iowa troops and prevent any invasion of the disputed territory by General Allen. At that time it could hardly be said that Iowa had a militia. Scarcely a year had passed since the establishment of the territorial government, and the time had not been sufficient to perfect anything like a regular military organization.

General Brown went to work, however, to carry out the order. He had been president of the legislative council the preceding winter and knew about whom to call to his assistance. He was six feet seven inches high, and had served as a captain under General Dodge. The Iowans had confidence in both the governor and General Brown. They responded cheerfully to the call, and in a short time 500 men were camped opposite General Allen's forces, waiting for the threatened invasion.

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\* See Volume II of this work for settlement of the boundary question.

It might be regarded as unkind to compare this army to Jack Falstaff's, but the only arms they possessed were such as the settlers themselves owned. Some brought shot guns, some rifles, and a few were armed with pistols or revolvers only. As for uniforms, there was not one. Hardly two men were dressed alike. But their aim was unerring, their courage never wavered, and had the Missouri troops attempted to cross the line they would doubtless have met with a warm reception.

General Brown sent General Dodge of Burlington, a Mr. Churchman of Dubuque, and Doctor Clark of Fort Madison, to hold a conference with the officials of Clark county. When these ambassadors reached Waterloo, the county seat of Clark county, they learned that the county court had revoked the obnoxious order concerning the collection of taxes, and that a delegation had gone to Burlington to see Governor Lucas, to ascertain if the dispute could not be amicably adjusted. The next day General Allen withdrew his troops, the Iowans were disbanded, and for the time being the border war was over.

Owing to the amendments made by congress to the organic law, the relations between the governor and the second legislature, which met November 4, 1839, were more harmonious than during the first session. Governor Lucas in his message expressed satisfaction that his powers were more clearly defined. The legislature met him half way, listened to his recommendations, and together they worked for the best interests of the Territory.

Congress had made an appropriation of twenty thousand dollars for a territorial capitol. On the 17th of January, 1840, the legislature passed an act that the building should not cost more than fifty-one thousand dollars, but when finished several years later the cost had run up to almost one hundred twenty-three thousand dollars. In March, 1840, ground was broken for the building. The plans contemplated a structure 60 feet wide by 120 feet long, with the administration offices on the first floor, and the council chamber and house of representatives, each 43 by 52 feet, on the second floor.

On the last day of April, 1841, Governor Lucas issued a proclamation, declaring Iowa City the capital, and ordering the removal of the territorial offices from Burlington. Temporary quarters were secured in the Butler hotel until the state house was finished. As a matter of convenience, however, much of the executive business was transacted at Burlington for several years after the removal of the capital to Iowa City.



Within a year after the organization of Iowa as a territory, agitation was begun for its admission into the Union as a state. Among the advocates of statehood was Governor Lucas, and on the 21st of July, 1840, he approved a bill submitting the question of calling a constitutional convention to the voters at the October election.

More interest was manifested in the political campaign of 1840 than at any previous election, probably owing to the fact that it was a presidential year. On August 19, the Democrats met at Bloomington and nominated Gen. A. C. Dodge for delegate to congress. The Whig candidate was Alfred Rich. At the election Dodge was victorious, receiving a plurality of 515 out of a total vote of 7,594, an Independent candidate named Churchman receiving 92 votes. The proposition to hold a constitutional convention was lost by a vote of 2,907 against it to 937 in its favor.

Soon after the inauguration of President Harrison, in 1841, John Chambers, a personal and political friend of General Harrison was appointed to succeed Robert Lucas as governor of Iowa Territory. John Chambers was born at Bromley Bridge, N. J., October 6, 1780. His ancestry can be traced back to the Clan Cameron of Scotland. One branch of the Camerons refused to join the rebellion of 1645, removed to Ireland, changed the family name to Chambers, and from this stock descended John Chambers, the second territorial governor of Iowa. When he was about thirteen years of age, his parents removed to Kentucky, where he grew to manhood. Opportunities for securing an education were extremely limited at that time in Kentucky; but young Chambers attended the Transylvania seminary at Lexington, after which he read law and was elected prosecuting attorney of his district. While in this position he entered into a combination with the prosecutors of the surrounding districts to put a stop to the depredations of a band of lawless characters and either convict them or run them out of the country. He took part in the Indian war of 1811 and in the War of 1812 with Great Britain. At the battle of the Thames, he was on General Harrison's staff. After the war he served several terms in the Kentucky legislature, was elected to congress in 1826, serving one term, and in 1835 was elected judge of the court of appeals. In the campaign of 1840 he took an active part on behalf of his old friend and commander, and was rewarded by being appointed governor of Iowa. Upon retiring from the

office he returned to Kentucky, and died at Paris in that State, September 21, 1852.

On May 5, 1841, a convention of Whigs met at Davenport, passed resolutions deploring the death of President Harrison, expressed confidence in John Tyler, and endorsed the administration of Governor Chambers. Alfred Rich was again nominated for delegate to congress. The Democrats held their convention at Iowa City on the 7th of June, and renominated Gen A. C. Dodge. A long platform urging the Democrats to "unite heart and hand in exterminating their common enemy, Federalism, from the Territory," was adopted. The appointment of Daniel Webster as secretary of state was denounced; Andrew Jackson and Thomas H. Benton were held up as model American statesmen, and a permanent pre-emption law was advocated. General Dodge was re-elected, receiving 4,828 votes to 4,315 for Rich.

On the 10th of November, Governor Chambers received notice from Thomas Reynolds, then governor of Missouri, that the Missouri legislature had passed an act directing a suit to be brought against Henry Heffleman for the imprisonment of Gregory, the tax collector. In his communication Governor Reynolds asked whether Iowa would consent to be a party to the suit in the supreme court of the United States, with a view of settling the boundary question. Governor Chambers replied that Iowa was organized by an act of congress, and that congress reserved the right to regulate the boundaries. Under the circumstances he doubted if even the supreme court had the power to decide the question. He promised to lay the subject before the Iowa legislature at the next session, and there the matter ended. The suit against Heffleman was not brought, the legislature declined to act on Governor Reynolds' proposition, and the boundary question remained unsettled.

The fourth regular session of the territorial legislature met in the Butler hotel at Iowa City in December, 1841. February 16, 1842, an act providing for the submission of the question of a constitutional convention to the voters at the ensuing August election was passed. The sentiment in favor of statehood was undoubtedly stronger than it had been two years before, but the proposition was again defeated by a vote of 5,754 to 3,260.

On October 11, 1842, a council was held with the Sacs and Foxes at their agency in Iowa Territory, and a treaty by which they ceded all their lands west of the Mississippi river to the United States was negotiated. The territory acquired by this treaty comprises all the south central portion of Iowa. The

boundaries may be approximately described by lines drawn from Waverly to Sac City, and from these two points south to the Missouri line. Immediate possession was given to the eastern part of this cession; but the Indians reserved the right to occupy for three years all lying west of a north and south line drawn through the Painted Rocks on the White Breast fork of the Des Moines river. The government agreed to give these Indians a permanent home west of the Missouri river, or with other tribes, as soon as the treaty was ratified by congress.

To protect the early settlers on this new purchase, and at the same time to guard the interests of the Indians, it was deemed necessary to establish a fort near the line of the reserved portion of the Territory. On May 9, 1843, the little steamer *Ione* landed a detachment of troops, under the command of Capt. James Allen, at the mouth of the Raccoon river, where the city of Des Moines now stands. A few men were left to construct the fort, while Captain Allen went back on the *Ione*. About a month later he returned with a hundred men, part infantry and part cavalry, to garrison the fort, which was named Fort Raccoon. Settlers were not permitted to cross to the west side of the line running through the Painted Rocks, but a small settlement grew up around Fort Raccoon. Among these early pioneers of Iowa's future capital were John B. and W. A. Scott, William Lamb and Alexander Turner who had a contract to furnish hay, etc., to the fort. The American Fur Company established a trading post on the east side of the river, on what was afterward known as the "Hazen Farm." The Ewings also had a trading concern there.

The legislature of 1842 met in the new capitol building at Iowa City. The house held its session in the room intended for it, while the council occupied quarters on the lower floor. Four territorial and six state legislatures, as well as three constitutional conventions, were held in this building, and much of the history of Iowa was made within its walls.

In the campaign for the election of a delegate to congress in 1843, General Dodge was again the Democratic candidate. The Whigs made no regular nomination, but by common consent supported William H. Wallace. Dodge was elected by a majority of one thousand two hundred and seventy-two in a total vote of ten thousand eight hundred and ninety-six.

On February 12, 1844, the legislature passed an act providing for the submission to the people for a third time the question of admission into the Union. This time the advocates of statehood won, the vote standing six thousand seven hundred and

nineteen in favor of a state constitutional convention to three thousand nine hundred and seventy-four in the negative. Seventy-three delegates were chosen at the August election to meet at Iowa City on the first Monday in October, for the purpose of drafting such a constitution. Following is a list of the delegates elected:

From Cedar county—Samuel W. Bissell and James H. Gower; Clayton county—Samuel B. Olmstead; Clinton county—Ralph R. Benedict and Lyman Evans; Davis county—J. C. Blankenship and Samuel W. McAtee; Des Moines county—James Clark, Shepherd Leffler, Enos Lowe, John Ripley, Henry Robinson, George Hepner, Andrew Hooten and John D. Wright; Dubuque county—Theophilus Crawford, Francis Gehon, Stephen Hempstead, Edward Langworthy and Michael O'Brien; Henry county—Joseph D. Hoag, Joseph C. Hawkins, George Hobson, John C. Hall and John H. Randolph; Jackson county—John S. Kirkpatrick, William Morden and Richard B. Wyckoff; Jefferson county—Robert Brown, Hardin Butler, James I. Murray, S. S. Ross and Samuel Whitmore; Johnson county—Robert Lucas, Henry Felkner and Samuel H. McCrory; Jones county—John Taylor; Keokuk county—Richard Quinton; Lee county—David Galland, Alexander Kerr, James Marsh, O. S. X. Peck, Calvin J. Price, Henry W. Salmon, Charles Staley and John Thompson; Linn county—Thomas J. McKean, Samuel W. Durham and Luman W. Strong; Louisa county—John W. Brookbank, William L. Toole and Wright Williams; Mahaska county—V. B. Delashmutt and Stephen B. Shelleday; Muscatine county—John E. Fletcher, Ralph P. Lowe and Elijah Sells; Scott county—Andrew W. Campbell, Ebenezer Cook and James Grant; Van Buren county—Gideon S. Bailey, Paul Brattain, Thomas Charlton, Elisha Cutler, Jr., John Davidson, David Ferguson and John Hale;\* Wapello county—William W. Chapman and William H. Galbraith; Washington county—Caleb B. Campbell, William R. Harrison and Enoch Ross.

Politically, fifty-one of the delegates that signed the constitution were Democrats and twenty-one were Whigs. Classed by occupations there were 41 farmers, 10 lawyers, 6 physicians, 4 merchants, 3 mechanics, 2 millwrights, 1 miller, 1 printer and two surveyors.

The convention with sixty-six of the delegates present, assembled on the 7th of October. A temporary organization was

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\* Mr. Morton, one of the delegates from Van Buren county, did not attend the convention, and his name does not appear as one of the signers of the constitution.



effected by the election of Gen. R. P. Lowe, of Muscatine county, president, and James W. Woods, of Burlington, secretary. The permanent officers of the convention were: Shepherd Leffler, president; George S. Hampton, secretary; A. D. Anderson, assistant secretary and Warren Dodd, sergeant at arms. After a session of twenty-five days the convention adjourned, and, without waiting to submit the constitution to the people for their approval, forwarded a copy of it to congress with an application for admission.

The attitude of the slavery and anti-slavery forces at that time is well known. In order to offset the admission of Texas, with its possible division into four slave states, the free state men insisted that a greater number of free states must be carved out of the Northwest. Then there was the policy of admitting free and slave states in pairs. Florida had been knocking at the door of the Union since 1838, but had been kept waiting for lack of a free state consort.

On January 7, 1845, A. V. Brown of the house committee on territories, reported a bill to admit Florida and Iowa into the Union. Immediately the free state men objected to the boundaries of Iowa, as fixed by the constitutional convention, because they included too much of the territory destined for the formation of free states. The bill was amended, adopting practically the boundaries proposed by Nicollet; and, thus amended, it passed the house on the 13th of February by a vote of one hundred and forty-four to forty-eight. The next day it went to the senate, where it was passed by a vote of thirty-six to nine on the 1st of March, and two days later it received the approval of President Tyler.

Then the question came back to the people of Iowa. At the April elections in 1845 the constitution, with the boundaries as fixed by congress, must be ratified or rejected by the people. A lively campaign ensued; General Dodge, the delegate in congress, arrayed himself on the side of those in favor of adopting the constitution-restricted boundaries and all. Under date of March 4 (the next day after the president signed the bill), he wrote a letter to the people of Iowa, in which he said:

"During the whole of the discussion relating to our boundaries, I deemed it my duty, as your representative, to endeavor to sustain those contained in the constitution. The House of Representatives had, a few days preceding the discussion referred to, passed a law for the re-annexation of Texas, by which five new slave states may be added to the Union. This furnished an additional

reason why my protest in behalf of the convention boundaries was disregarded, inasmuch as our fellow citizens from the non slave-holding states were desirous, by moderate divisions of the remaining free territory of the Union, to give to the free states a counterbalancing influence. This reason is one of such power, . . . that, forming my opinion from extensive inquiry and observation, I must in all candor inform you that, whatever your decision on the first Monday of April next may be, we will not be able hereafter under any circumstances, to obtain *one square mile more* for our new state than is contained within the boundaries adopted by the act of congress admitting Iowa into the Union."

Subsequent events showed that General Dodge was mistaken. At the April elections the constitution was rejected by a decisive majority. Believing that the result of the election was more a disapproval of the boundaries than a repudiation of the constitution itself, a special session of the legislature was convened in June and an act authorizing a second vote to be taken, at the August election, in which the boundary question was not to be considered, was passed. The Question had now become a partisan issue, the Democrats favoring the ratification of the constitution and the Whigs opposing it. When the second election was ordered E. W. Eastman of Mahaska county, F. D. Mills and James W. Woods of Des Moines county, and T. S. Parvin of Muscatine, four prominent Democrats, joined with the Whigs to prevent the adoption of the constitution. To their efforts the second defeat of the constitution of 1844 is mainly due. They went over all the Territory making speeches against it, and, when the vote was taken in August, the opponents won by a narrow margin of four hundred and twenty-one in a total vote of nearly fifteen thousand.

While this contest over the question of statehood was going on, Governor Chambers was succeeded by James Clarke, of Burlington, who was appointed by President Polk in the spring of 1845. James Clarke, the third and last territorial governor of Iowa, was born at Greensborough, Westmoreland county, Pa., in 1811. While a boy he was apprenticed to the printing trade. In 1835 he went west and in the fall of 1836 was elected printer to the first legislature of Wisconsin Territory, which met that year at Belmont. The next year he removed to Burlington and established the *Gazette*, the first Democratic paper in Iowa. Upon the death of Secretary Conway, he was appointed to the vacancy by President Van Buren. In 1840 he married Christiana, the daughter of Gen. Henry Dodge. This marriage,

with the fact that he was the editor of the oldest and leading Democratic paper in the territory, gave him a great deal of influence, and led to his appointment as governor. His administration lasted only a little more than a year. After the admission of Iowa he returned to his newspaper. In 1850 his wife and child fell victims to the cholera, and two weeks later he died at Burlington at the age of thirty-nine.

According to the terms of the treaty of 1842, the Indian title to the lands west of the Painted Rocks expired at midnight on the 10th of October, 1845. After that time any one could go upon the purchase and stake off a claim of three hundred and twenty acres. For several days preceding the opening, a crowd of home seekers had been gathering along the border. Many had crossed the line in advance to select a location, and a few claims had actually been staked off—not in the attempt to hold the land, but just for convenience in finding the place a second time. All through the early part of the night, on the 10th of October, a restless, expectant, but good-natured multitude stood waiting for the signal to enter the promised land. Promptly at twelve o'clock the report of a musket discharged at the agency house rang out upon the still night air. Answering shots echoed along the line, torches were lighted at the blazing bonfires and, armed with axe and stakes, the army of claim hunters were soon at work. By daylight hundreds of claims had been staked off, and the settlement of Central Iowa was begun.

On the 13th of January, 1846, the governor approved an act creating the counties of Boone, Clarke, Dallas, Decatur, Jasper, Lucas, Marshall, Polk, Story, Warren and Wayne out of a portion of the new purchase.

In 1845, the Democrats again put forward Gen. A. C. Dodge as a candidate for delegate to congress, the Whig candidate being Ralph P. Lowe. Dodge was elected by a vote of seven thousand five hundred and twelve to six thousand six hundred and eighty-one for Lowe.

After the constitution had been twice rejected by the people of Iowa, congress repealed the boundary features of the act of March, 1845, and the legislature, on January 17, 1846, passed an act calling a second constitutional convention at Iowa City in May. This time only thirty-two delegates were provided for. These delegates, who were elected in April, were as follows: Curtis Bates, George Berry, Samuel A. Bissell, George W. Bowie, Wareham G. Clark, John Courey, William G. Coop, Thomas Dibble, David Galland, Stewart Goodrell, James Grant, Sanford

Harned, Henry P. Haun, Joseph H. Hedrick, George Hobson, Erastus Hawkins, William Hubbell, Josiah Kent, Shepherd Leffler, Enos Lowe, Thomas McCrancy, Sylvester G. Matson, Francis K. O'Ferrall, David Olmstead, Scott J. Richman, John Ronalds, Sulifand S. Ross, Alvin Saunders, John J. Selman, Stephen B. Shelleday, William Steele and Socrates H. Tryon.

In the campaign for the election of delegates the Whigs strenuously advocated a non-partisan convention. Of the delegates selected 10 were Whigs and 22 Democrats, all the latter being instructed against banks. The convention met on the 4th of May and organized by the election of Enos Lowe, president, and William Thompson, secretary. The session lasted fifteen days. On the 3d of August the work of the convention was ratified by a vote of 9,492 in favor of the constitution to 9,036 against it. The next day congress passed an act fixing the present boundaries; and a little later an election for state officers and members of the legislative assembly was ordered for October 26.

The Democrats held a convention at Iowa City, September 24, and nominated Ansel Briggs for governor; E. Cutler, Jr., for secretary of state; J. T. Fales for auditor, and Morgan Reno for treasurer. The platform endorsed the conduct of President Polk and tendered him the gratitude of the people of Iowa. Congress was praised for the repeal of the tariff of 1842, the passage of the Independent Treasury Bill, and the settlement of the Oregon question. The conduct of the Mexican war was approved and the party motto was declared to be "less legislation, few laws, strict obedience, short sessions, light taxes, and no state debt."

On September 25, the Whigs met in convention at Iowa City and nominated their first state ticket, which was as follows: For governor, Thomas McKnight; for secretary of state, James H. Cowles; for auditor, Eastin Morris; for treasurer, Egbert T. Smith. The platform adopted declared in favor of a sound national currency, regulated by the will and authority of the people; a tariff that would afford sufficient revenue to the national treasury and just protection to American labor; more perfect restraints upon the executive power; an equitable distribution of the proceeds of the public land sales among all the states; one presidential term, and an expenditure of the surplus revenues in river and harbor improvement.

President Polk's letter on the Oregon question was declared to be "a deception and falsehood of a character so base as none but the most dishonorable mind would have resorted to." The McKay tariff was condemned as not being judicious revenue tariff, and the



annexation of Texas, as not being a peaceful acquisition. It was also declared that "lamp-black and rags, though called treasury notes and drawn on a bankrupt treasury, are not the constitutional currency." On matters pertaining to the State of Iowa, the following resolution was adopted:

"That we regard the adoption of the constitution at the recent election by reason of the highly illiberal character of some of its provisions as an event not calculated to promote the future welfare and prosperity of the State of Iowa, and that it is our imperative duty to procure its speedy amendment."

The election was hotly contested on the issues thus made up, and the result was very close. Being the first state election, the interest was general and a heavy vote was polled. Briggs received 7,626 and McKnight 7,379, the Democratic majority being only 247 votes.

During the summer and fall of 1846, treaties that clinched the title of the government to a large portion of Iowa were concluded with the Indians. At the agency near Council Bluffs, from the 5th to the 17th of June, councils were held with the different bands of Chippewas, the Ottawas, and the Pottawatomies. These tribes agreed to unite under the general name of the Pottawatomie nation and relinquish all claims to the common hunting grounds in Western Iowa established by the treaty of July 15, 1830.

On October 13, at Washington, D. C. an agreement with the Winnebago chiefs was reached. By it the United States, by agreeing to give the Winnebagoes a reservation of 800,000 acres west of the Mississippi and north of the St. Peter's river, obtained full title to the Neutral Grounds.

About a week after the adjournment of the constitutional convention, and while the people were deeply interested in the question of statehood, President Polk issued a call for fifty thousand men to participate in the war with Mexico, just then beginning. Iowa was asked to furnish one regiment, and on the first of June Governor Clarke issued a proclamation calling for volunteers. Immediately the state was aroused. Mass meetings were held in nearly all the larger towns. At these meetings resolutions approving the declaration of war and pledging support to the government in its prosecution, were generally adopted. Patriotic songs were composed and sung. Boys caught the spirit, and the roll of drums could be heard in every hamlet. So great was the enthusiasm that by the 26th, twelve full companies, instead of ten, had been recruited. The regiment was never called into service, which

fact was a matter of some regret to those who had responded so promptly to their country's call.

The constitution of 1846, though it contained some provisions not found in the earlier constitution, was modeled after that of 1844. No lieutenant-governor was provided for, the senate being left to choose its own presiding officer. Salaries of state officers were fixed for ten years, as follows: Governor, one thousand dollars per annum; secretary of state, five hundred dollars; auditor, six hundred dollars; treasurer, four hundred dollars; judges of the supreme and district courts, one thousand dollars each. But the greatest difference was in the article bearing on corporations. The general assembly was authorized to provide general laws governing all corporate bodies, but none could be created by special enactment. On the subject of banking institutions the article provided that "no corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The General Assembly of this State shall prohibit, by law, any person or persons, association, company or corporation from exercising the privileges of banking, or creating paper to circulate as money."

This was one of the "highly illiberal" provisions referred to in the Whig platform of 1846, and which led that party to oppose the adoption of the constitution. The incorporation of such a provision grew out of the trouble between the territorial authorities and the Miners' Bank of Dubuque. At the beginning of the year 1841, the Miners' Bank was the only one in Iowa. It had been chartered by the Wisconsin legislature and had been established before Iowa Territory was organized. About the last of March, 1841, the bank suspended specie payments, the suspension continuing until the 1st of July, 1842. As soon as it resumed, the holders of the bank's bills rushed in and demanded specie. So great was this demand that within a fortnight the institution was forced to suspend a second time, and the value of its notes fell much below par.

When the legislature met in December, 1842, an investigation was ordered. The investigation disclosed the startling fact that the bank was founded upon spurious capital. In organizing it the stockholders had given notes, instead of paying money, for their stock, and at the time the bank began business its entire assets were represented by these notes. One man in St. Louis executed notes to the amount of forty thousand dollars in return for stock, and afterward borrowed more than fifty thousand dol-

lars from the bank. None of this was ever paid, for he failed and took the benefit of the bankrupt law, leaving the bank to stand the loss. A bill passed the house providing for a repeal of the bank's charter, but was delayed in the council until time for adjournment.

Another effort to repeal the charter in the legislature of 1843 was made, but again the friends of the bank in the council secured the passage of amendments in which the house refused to concur. At the special session in 1845 an act repealing the charter, and empowering the district court to appoint trustees to wind up its affairs was passed on the 14th of May. The bank appealed to the supreme court, where the law was held valid, and the bank was closed. There is little doubt this controversy with the Miners' Bank wielded a great influence in shaping the radical provision against banking institutions in the Iowa constitution.

At the election, October 26, 1846, members of the first state legislature were chosen. This legislature met on the 30th of November; and, although Iowa had not yet been declared admitted, Governor Briggs was inaugurated on the 3d of December. On the 28th congress passed the act admitting Iowa into the Union.

## CHAPTER III

## State Events Prior to 1857

ANSEL BRIGGS, the first governor of Iowa after its admission into the Union as a State, was born in Vermont on the third day of February, 1806. His education was obtained in the common schools and the academy at Norwich; Conn. In 1830 he removed with his parents to Guernsey county, O., and engaged in commercial pursuits. During his residence there he was twice elected sheriff of Guernsey county. In 1836 he located at Davenport, Ia., where he entered into a contract with the government to carry the mails between that city and Dubuque and Iowa City. Later he went to Andrew, in Jackson county, where he served as deputy treasurer until 1842, when he was elected governor, serving until 1850. During his administration the state government was organized and the free school system was established. On this subject Governor Briggs was an enthusiast. In order to get the school system of Iowa on a substantial footing, he advanced about two thousand dollars of his private means, being afterward reimbursed by the State. After his second term as governor, he became interested in the real estate business, and in 1854 was one of the founders of the town of Florence, six miles above Council Bluffs. From 1860 to 1865 he was associated with his son, in overland freighting to Colorado and Montana. He died at the residence of this son, in Omaha, Neb., May 5, 1881.

The legislature that met on the 30th of November was organized by the election of Thomas Baker president of the senate, and Jesse B. Brown, speaker of the house. December 18, the two houses met in joint session for the election of United States



senators. On joint ballot the Whigs had an apparent majority of two votes. Every influence to induce one of the Whig members to support the Democratic candidates for senators and thus produce a dead-lock was exerted. Charges of bribery were openly made, one member stating in the joint session that he had been approached by several persons who had offered him money to support certain men for the office of United States senator. The first ballot resulted in 29 votes being cast for Jonathan McCarty, 28 for Thomas Wilson, and 1 for G. C. R. Mitchell. Balloting was continued from time to time until February 25, without any change in the vote, and the assembly adjourned without electing any one. The interest centering in this senatorial contest was so intense that not much legislation was enacted during the session, though some important bills were passed near the close.

On the 22nd of February an act appointing John Brown, of Lee county, Joseph D. Hoag, of Henry, and John Taylor, of Jones, commissioners to locate a permanent seat of government, was passed. They met and organized in May, as required by the act, and selected a site in township 78 north, range 20 west, in the southern part of Jasper county, conferring upon the new capital the name of Monroe City. On October 8, a sale of lots was made, only a little more than six thousand dollars being realized—hardly enough to pay the expenses of selecting the location. Some of the lots sold as low as one dollar. The question of removing the capital was made a political issue, and before another sale of lots could be ordered the act was repealed by the legislature.

On February 25, the law locating the state university at Iowa City was enacted. James P. Carlton, H. D. Downey, Thomas Snyder, Samuel McCrory, Curtis Bates, Silas Foster, E. H. Lyons, James H. Gower, George G. Vincent, William G. Woodward, Theodore S. Parvin, George Achison, S. G. Matson, H. W. Starr and Ansel Briggs were named as the first board of trustees. Five were to serve for two years, five for four years, and five for six years. Congress had passed an act, July 20, 1840, granting two townships of land for university purposes, and these lands were now set apart by the legislature for the maintenance of the institution.

On February 14, the counties of Allamakee and Winneshiek were created out of the Neutral Ground, and ordered to be surveyed by the commissioners of Clayton county as soon as the treaty should be ratified by congress. On the 24th the coun-

ties of Fremont, Page, Pottawattamie, Ringgold and Taylor were established in the southwestern part of the State, being formed from what is known as the Pottawattamie purchase.

One of the problems that confronted Iowa, about the time of its admission, was the question of transportation. Small steamers had ascended the Des Moines river as far as Fort Raccoon, and it was thought that by a system of locks and dams it could be made navigable for larger vessels. On the 8th of August, 1846, congress granted to the State of Iowa, for the purpose of improving the Des Moines as far as the mouth of the Raccoon, alternate sections of land for five miles on each side of the river. A resolution accepting the grant was adopted by the legislature on the 9th of January, 1847, and on the 24th of February an act authorizing the election, on the first Monday of August following, of a president, secretary and treasurer of a state board of public works to supervise the improvement, was passed.

The office of superintendent of public instruction was created on the 24th of January, and an election of such an official was ordered held on the first Monday in April. On the 22nd of February a Whig convention at Iowa City nominated James Harlan, a Methodist minister, for the position. Three days later the Democrats met at the same place and nominated Charles Mason. At the election in April, Harlan was elected by a majority of 413.

For the places on the board of public works the Whigs nominated George Wilson, of Wapello county, for president; Madison Dagger, of Van Buren, for secretary, and Pierre B. Fagan for treasurer. The Democrats placed the following ticket in the field: For president, H. W. Sample, of Lee county; for secretary, Charles Corkery, of Dubuque; for treasurer, Paul Brattain, of Van Buren. The Democratic majority was 570.

Soon after the election the board organized and proceeded to sell the river improvement lands and to let contracts for locks and dams. By 1850 about one hundred fifty thousand dollars worth of land had been sold, and a contract was closed with the Bangs Brothers to construct a system of locks for the slack-water navigation of the stream. Several times during the next few years the question came up as to whether the grant of land extended to the northern border of the State, or only to the mouth of Raccoon river, the limit of the improvement. In 1851 President Tyler's cabinet decided that the grant extended to the northern boundary. The board then fixed the price of land at two dollars an acre below the mouth of the Raccoon and at five

dollars above. This brought forth a storm of protest from the settlers above the mouth of the Raccoon, and an indignation meeting was called in Polk county. P. M. Casady was chosen chairman and John D. McLain secretary. It was resolved to make a fight for a uniform price of one dollar and twenty-five cents per acre. Before anything could be done, the Bangs Brothers failed, and everything stopped. The board had contracted debts amounting to almost seventy thousand dollars more than had been received from the sale of lands. A New York company undertook to complete the improvements and take the lands in payment, when again the question regarding the extent of the grant was sprung, the interior department holding that it extended only to the mouth of the Raccoon. The New York company withdrew, and in 1858 the residue of the grant—except 50,000 acres—was given to the Keokuk, Fort Des Moines\* & Minnesota Railroad Company, said company to assume all liabilities of the improvement companies and complete the locks and dams at Benton post, Croton, Keosauqua and Plymouth. The next year the supreme court of the United States decided that the grant stopped at Raccoon fork, and again work on the improvements ceased. In July, 1862, congress passed a law extending the grant to the northern boundary, and about the close of the Civil war the state legislature declared the river no longer navigable.

About the time that Iowa was attached to Michigan Territory, a sect in Holland incurred the displeasure of the government officials by teaching the total separation of church and state. The reformation was led by young men, fresh from the universities, full of energy and enthusiasm. Among them was Henry Scholte, who was tried for teaching dissension and sentenced to a short term in prison. As soon as he was released he again began advocating the doctrine of political and religious liberty separate from each other, and was again arrested. This time he was acquitted, but was ordered to leave the country. For some time after this the government employed spies to watch the leaders of the dissenters and sent soldiers into the districts where they were strongest to prevent them from holding meetings. In August, 1846, emigration began to be talked of, and on Christmas day an emigration society was organized with "Dominie" Scholte as president. Four ships, with 700 emigrants, left

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\* The name of Fort Raccoon was changed to Fort Des Moines about a year after it was built.

Amsterdam in April, 1847, and thirty days later landed at Baltimore.

After waiting three weeks at Baltimore they went to St. Louis, from which point scouts were sent out to find a permanent home for the colony. These scouts went up the river to Keokuk, and after looking at different localities bought two townships in Marion county. The rest of the colonists soon followed, and the town of Pella was founded. The temporary shelter erected that fall was completely wrecked by a tornado in May, 1848. A number grew homesick, but they hung on, wrote to their friends in the father-land, and during the next five years large additions were made to the colony of Pella. In 1856 the population was not far from 2,000. The people prospered, and from this parent settlement new colonies have been sent into Kansas, Nebraska and South Dakota.

An extra session of the legislature was convened on the first Monday in January, 1848, to remedy defects in the school laws and to legalize the acts of James Harlan, the superintendent of public instruction. In the campaign for superintendent, Harlan had made a thorough canvass of the State. His opponent, Charles Mason, occupied a place on the bench, and took the view that the dignity attaching to his judicial position would not permit him to make a canvass, and, as previously stated, he was defeated. The secretary of state refused to issue a certificate of election to Harlan, who appealed to the governor. But the governor declared that he had no power to declare him elected. Nevertheless, Harlan assumed the duties of the office, and to legalize his acts was part of the duty of the special session.

Pursuant to the governor's call the legislature met on the 3d of January and organized by electing Thomas Hughes president of the senate and Jesse B. Brown speaker of the house. Among the most important acts of the session was one appointing Charles Mason, William G. Woodward and Stephen Hempstead a commission to revise and codify the laws of Iowa. Poweshiek county was created on the 23d of January, and provisions for its organization in the succeeding April were made.

On May 11, the Whigs held a state convention at Iowa City and nominated the following ticket: For secretary of state, J. M. Coleman; for auditor, M. Morley; for treasurer, Robert Holmes. The platform declared that each department of the Federal government should be kept distinct from the others and confined to its legitimate duties; that any encroachment of one department upon another was a violation of the spirit and letter



of the constitution; that the elevation of James K. Polk to the presidential office, was a sad mishap to the American government (then follows a long arraignment of his administration); that the operations of the tariff and sub-treasury bills had not lessened the Whig opposition. The further extension of slavery was opposed, and the application of the Wilmot proviso to all territory to be incorporated into the Union, was demanded.

The Democratic convention met at Iowa City on the 1st of June. Josiah H. Bonney was nominated for secretary of state; Joseph T. Fales for auditor, and Morgan Reno for treasurer. No resolutions were adopted. At the election in August the Democratic ticket was successful. Bonney received 12,367 votes to 11,155 cast for Coleman, the vote for the other candidates being substantially the same.

On December 3, the legislature met in regular session. The senate elected John J. Selman president, and Smiley H. Bonham was chosen to preside over the house. Early in the session George W. Jones and Gen. Augustus C. Dodge were elected United States senators—the first from Iowa.

The election of 1849 was for members of the board of public works. June 28, the Democrats met at Iowa City and nominated William Patterson for president of the board, Jesse Williams for secretary, and George Gillaspie for treasurer. Resolutions denouncing the administration of General Taylor as a failure, expressing regret over the death of James K. Polk, and deprecating sectional organizations in any part of the country, were adopted.

June 30, the Whigs met in convention at the capital and nominated Thomas J. McKean for president, William M. Allison for secretary and Henry G. Stewart for treasurer of the board of public works. The platform adopted at this convention expressed confidence in General Taylor and declared that "the welfare and interest of the people of Iowa demand an amendment to the state constitution, by which the incubus, imposed by some of its provisions upon their resources and prosperity, shall be removed." The course of the Democratic majority in the legislature was denounced, and the extension of slavery was opposed.

May 31, 1850, the following general order was issued by the war department: "For the better protection of the frontier settlements of Iowa, a new post will be established under the direction of the commander of the Sixth Department, on the east bank of the Des Moines, opposite the mouth of Lizard Fork; or preferably, if an equally eligible site can be found, at some point

twenty-five or thirty miles higher up the Des Moines. The post will be established by a company of the 6th Infantry to be drawn from Fort Snelling, which will for the present constitute the garrison."

On July 14, Major Woods was ordered to take Company E of the Sixth regiment (66 men and 3 officers), and build the fort. The troops arrived at the mouth of the Lizzard on the 2nd of August and began work upon a fort which was christened Fort Clarke, but another post in New Mexico having the name Fort Clarke, the name of the Iowa fort was changed to Fort Dodge. In 1853 the garrison was withdrawn, the troops being sent to establish Fort Ridgely, in Minnesota.

The political campaign of 1850 was for a complete list of state officers and a treasurer of the board of public works. On the 15th of May the Whigs met at Iowa City and nominated the following ticket: For governor, James L. Thompson; for secretary of state, Isaac Cook; for auditor, William H. Seevers; for treasurer, Evan Jay; for treasurer of the board of public works, James Nosler. Again an amendment to the state constitution was demanded; confidence in General Taylor was expressed, and the removal of C. H. Booth, the surveyor general of Wisconsin and Iowa, was approved. June 12, the Democrats held their convention at the capital. Stephen Hempstead, of Dubuque, was nominated for governor; G. W. McCreary, for secretary of state; William Pattee, for auditor; Israel Keister, for treasurer, and George Gillaspie re-nominated for treasurer of the board. A long platform was adopted, most of which was devoted to an arraignment of President Taylor's administration. At the election the Democratic ticket was successful. For governor Hempstead received 13,486 votes, to 11,403 cast for his opponent. William Penn Clarke, an independent Whig candidate, received 575 votes.

Stephen Hempstead, second state governor of Iowa, was born at New London, Conn., October 1, 1812. One of his ancestors was among the original settlers of New London in the seventeenth century. When Stephen was about sixteen years of age, his parents removed to St. Louis, taking him along with them. About two years afterward he went up the river to Galena, Ill., where he found employment as a clerk. During the Black Hawk war he was an officer in a company of artillery that was organized for the protection of Galena. After the war was over he entered Illinois college and remained in school for two years, but did not graduate. He then entered the law office of his uncle, Charles S.

Hempstead, at Galena. In 1836 he was admitted to the bar, and in the same year settled at Dubuque. When the Territory of Iowa was organized in 1838, he was elected a member of the council, and was president of that body during the second session. He was a delegate from Dubuque county to the constitutional convention of 1844, and was one of the commission to codify the laws in 1848. Upon retiring from the governor's office he was elected county judge of Dubuque county, a position that he held for fourteen years. From 1869 to 1873 he served as auditor of Dubuque county. He died at Dubuque February 16, 1883.

On the 3rd of December the third legislature met at Iowa City. January 15, 1851, Governor Hempstead approved a bill creating fifty-two new counties.\* On the 5th of February a bill prohibiting negroes or mulattoes from settling in the State of Iowa, was passed.

In the latter part of May, 1851, considerable damage was done through Central Iowa by a flood. Both the Des Moines and Raccoon rivers rose to an unprecedented height. Fences and bridges were swept away, and in some instances farm buildings were seriously damaged. At Fort Des Moines the water backed up through the drain from the fort, threatening to inundate the town; but the men were ordered out to stop up the drain, and the town was saved. Several men were drowned while engaged in catching driftwood.

On July 23, by the treaty made with the various tribes of Sioux Indians at Traverse des Sioux, Minn., a tract of land in the extreme northwestern corner of the state, between the Rock and Big Sioux rivers, came into possession of the United States; also a tract in what is now Emmet, Kossuth, Hancock, Winnebago and Mitchell counties. This was the last of the Indian claims to any part of Iowa.

At the April election this year Thomas H. Benton (Democrat) was elected superintendent of public instruction over William G. Woodward (Independent), by a majority of 1,351.

Early conventions were held in the campaign of 1852. The Whigs met at Iowa City on the 26th of February and nominated J. W. Jenkins for secretary of state, Asbury Porter for auditor, and Hosea B. Horn for treasurer. On the 28th of May delegates representing the Democratic party met at the capital and named the following ticket: For secretary of state, George W. McCreary; for auditor, William Pattee; for treasurer, M. L.

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\* For a list of these counties see the table in connection with the last chapter.

Morris. Neither of the party platforms contained anything further than a general declaration of well known party principles, and the campaign was without special interest. At the election the Democratic candidates were successful, McCreary's majority over Jenkins being 1,857.

The fourth session of the state legislature met on the 6th of December. An act passed January 12, 1853, provided that the citizens in unorganized counties might petition to the county judge for an organization, whereupon the judge should order an election for county officers. As soon as these officers should be elected and qualified, the county was to be declared organized. At the same time the name of Waukau county was changed to that of Woodbury, and that of Risley was changed to that of Webster and declared organized.

The office of attorney-general was created by this legislature. February 24, 1853, the Democrats met at Iowa City and nominated David C. Cloud for the position. The Whigs made no nomination, but supported Samuel A. Rice, who ran as an independent candidate. Cloud's majority was 7,564 in a total vote of about 21,000.

In October, 1850, the Davenport & Iowa City Railroad Company was organized at Iowa City with James P. Carleton, president; H. W. Lathrop, secretary; LeGrand Byington, treasurer; Joseph T. Fales, Smiley H. Bonham, Samuel Workman, James Cavanaugh, Thomas Hughes and Garrett D. Palmer, directors. On the 20th of May, 1853, everything pertaining to the company was transferred to the Mississippi & Missouri Railroad Company on condition that Iowa City should be made a point on the line of said road.\*

In the summer of 1853 a peculiar colony was established on the Soldier river, in the southern part of Monona county. Several thousand acres of land were secured there, and under the leadership of Charles B. Thompson, a town was laid out and named Preparation. Thompson had been a Mormon during the prosperous days of that sect at Nauvoo, Ill. When the Mormons were driven from Nauvoo, Thompson went to St. Louis and started a church of his own. Claiming to be guided by a spirit called "Baneemy," he soon found followers among the credulous, and the Iowa colony was the consequence. By 1854 a flourishing settlement had grown up at Preparation, but in the midst of prosperity their troubles began. Thompson, who had been pro-

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\* This road is now a part of the Chicago, Rock Island and Pacific system.



claiming that he was a reincarnation of the Ephraim of the Bible, told his followers that they must place all their property in his hands as their patriarch, and address him as Father Ephraim. Many did as he requested, but found when it was too late that they had wasted their substance upon an unworthy patriarch.

About twenty of the colonists banded themselves together and brought suit against Thompson to recover their goods. Thompson transferred the property to a confederate, whom he styled "Assistant Chief Steward of the Lord," and defeated those who were trying to recover their effects. This divided the colony into two factions, and a few years later Thompson and the "Assistant Steward" were run out of the country by an infuriated mob.

On January 9, 1854, a Democratic convention at Iowa City nominated Curtis Bates for governor; George W. McCreary for secretary of state; Joseph L. Sharp for auditor; Martin L. Morris for treasurer; David C. Cloud for attorney-general, and James D. Eads for superintendent of public instruction. The platform endorsed the Democratic national platform of 1852, and the administration of President Pierce, recommended the speedy organization of Nebraska Territory, and pledged the support of the party to the nominees of the convention.

On Washington's birthday the Whigs met and named the following ticket: For governor, James W. Grimes; for secretary of state, Simeon Winters; for auditor, Andrew J. Stephens; for treasurer, Eliphalet Price; for attorney-general, James W. Sennett. In the platform it was declared that seven years' experience under the state constitution had demonstrated that it was not suited to the political, the agricultural and the commercial wants of the State, or the spirit of the age. The binding force of the Missouri Compromise was recognized, and the efforts of congress to legislate slavery into Nebraska was disapproved.

For the first time in the history of Iowa the Democrats failed to score a victory. The Democratic ticket was regarded by many as weak. The influence of the Kansas-Nebraska fight and the attitude of the Whigs on that and other questions, brought them into power. For governor, Grimes received 23,025 votes and Bates 21,202—the heaviest vote ever polled in the State up to this time.

During the period that Iowa was settling up, the settlers frequently got in advance of the government surveyors and land offices. In such cases local clubs and associations were formed to protect the interests of those who had made claims upon unsur-

veyed domain. One of these, the Fort Dodge Claim Club, was organized on the 22nd of July, 1854. They adopted a declaration of principles, setting forth that 320 acres should constitute a claim; that a claim could be held one month by sticking stakes, but after that time improvements to the amount of ten dollars monthly must be made to hold it; that a cabin sixteen feet square, shingled and enclosed to live in, should be valued for improvement purposes at thirty dollars. A committee was appointed to make a "code of laws," and later, at the same meeting, reported the following, in the form of a set of resolutions, which was adopted.\*

"WHEREAS, The land in this vicinity is not in the market and may not be soon, We, the undersigned claimants deem it necessary in order to secure our lands to form ourselves into a Club for the purpose of assisting each other in holding claims, do hereby form and adopt the following byelaws:

"1st, That every person that is an Actual claimant is entitled to hold 320 Acres of land until such time as it comes into the market.

"2d, That any person who lives on their claim or is continually improving the same is an actual Claimant.

"3rd, That staking out a claim and entering the same on our Claim Book shall hold for 1 month.

"4th, That \$10 Monthly shall hold a claim thereafter.

"5th, That no mans claim is valid unless he is an actual settler here, or, has a family and has gone after them, in which case he can have one month to go and back.

"6th, That any person not living up to the requirements of these laws shall forfeit their claim, and, any Actual Settler who has no claim may settle on the same.

"7th, That any person going on another's claim that is valid, shall be visited by a Com. of 3 from our club and informed of the facts & if such person persist in their pursuits regardless of the Com. or claimant, they shall be put off the Claim by this Club.

"8th, That the boundaries of these laws shall be 12 miles each way from this place.

"9th, That this club shall hold meetings at least once each month.

"10th, That the officers of this club shall be a Chairman & Secty.

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\* The spelling, construction and capitalization have been reproduced just as they appeared in the original.

"11th, That the duty of the Chairman is to call to order, put the questions, give the casting vote when there is a tie, &c, &c.

"12th, That the duty of the Sec. is to keep the minutes of the meeting & read the same at the opening of each meeting & have the book & papers in his charge.

"13th, That any or all of the byelaws may be altered or abolished by a majority vote at a regular meeting."

These by-laws are a fair sample of the rules and regulations that governed the settlers during the days of "Squatter Sovereignty." The organization of these clubs began in the thirties, one of the oldest being the Johnson County Claim Association, which was formed March 9, 1839, but unfortunately none of the laws of these earlier associations has been preserved.

A few weeks after the organization of the Fort Dodge Claim Club, the following entry appears upon the minutes: "On motion of William R. Miller, that if any member of this Club or any of his friends clames has been jump that they inform this Club of the fact and that this Club forthwith put them off of said clame without trebling the Sivel law."

Many of the titles in Iowa to-day rest upon the claims filed under the auspices of these claim associations, organized by squatters in advance of Federal surveys and in utter disregard of Federal law. In time the regulations of these clubs received the sanction of both state and national legislation, and the homes thus established were rendered sacred in the eyes of the law.

On December 4, 1854, the fifth state legislature assembled at Iowa City. Maturin L. Fisher was elected president of the senate and Reuben Noble speaker of the house. Governor Grimes was inaugurated at the beginning of the term.

James Wilson Grimes, the third governor of the State of Iowa, was born at Deering, Hillsboro county, N. H., October 20, 1816. He received a classical education at Hampton Academy and Dartmouth College, and entered the law office of James Walker at Peterboro, N. H., as a student. Soon after the Black Hawk purchase was made he went to Iowa, and in 1836 he opened a law office at Burlington. The same year he was secretary of the commission that negotiated the cession of the Sac and Fox reservation on the 28th of September. For two years he was assistant librarian in the Wisconsin library, and from 1838 to 1843 was member of the Iowa legislature. In 1852 he was again elected to the legislature and in 1854 was elected governor. Before the expiration of his term he resigned to take a seat in the United States senate, where he served till December 6, 1869, when he resigned

on account of ill health. While in the senate he obtained an order from the war department liberating the slaves in jail at the national capital. This was in July, 1861, so that he became thereby the first emancipator. For his distinguished services in the senate, Dartmouth College conferred upon him the degree of LL. D. He died suddenly February 7, 1872.

Now that the Whigs were in power they lost no time in carrying out their platform pledges regarding the state constitution. January 24, 1855, Governor Grimes approved an act authorizing the people to vote, on the first Monday in August, 1856, on the question of holding a constitutional convention. The act also provided that, if the question should be decided in the affirmative, the governor should issue a proclamation, not later than October 1, 1856, calling an election for delegates to meet on Tuesday after the first Monday in November. The number of delegates was fixed as equal to the number of senators in the state legislature.

The election of 1855 was for one member of the river improvement commission, a register of the commission, and a register of the land office. January 24, the Democrats met at Iowa City and nominated O. D. Tisdale, William Dewey and Stark H. Samuels for the respective positions. The next day the Whigs met at the same place, nominated William McKay for commissioner, J. C. Lockwood for register of the commission and Anson Hart for register of the land office. Again the Whigs were victorious, McKay being elected commissioner by a majority of four thousand seven hundred and thirty-seven, and the candidates for the other offices by about the same.

Ever since the administration of Robert Lucas, there had been a large number of people in Iowa in favor of a law prohibiting the manufacture and sale of intoxicating liquors. In 1855 a vote was taken on the question. A keen interest was taken in the matter, and more votes were cast on this proposition than for the candidates. For the law twenty-five thousand five hundred and fifty-five votes were polled to twenty-two thousand six hundred and forty-five against it. This was the beginning of a long contest for supremacy in Iowa between the prohibitionists and their opponents.

In January, 1856, the Chicago, Rock Island and Pacific railroad was completed to Iowa City. The bridge of this company at Davenport was the first railroad bridge over the Mississippi river. Its construction was opposed by the people of St. Louis, because it would interfere with steamboat traffic. A few years later the commercial interests of St. Louis forgot all about these



objections to the Davenport bridge and lent their influence to the construction of the great Eads bridge, which at the time was looked upon as a marvel in bridge building.

May 15, 1856, congress passed an act granting to the State of Iowa, for the purpose of aiding in the construction of railroads, alternate sections of land for six miles on either side of the proposed line. Governor Grimes called an extra session of the legislature in July to accept the grant and make some provisions for disposing of the lands. On July 14, they passed an act accepting the grant on the terms imposed by congress, and providing for the construction of the following roads: First, from Burlington to the mouth of the Platte on the Missouri river; second, from Davenport to Council Bluffs, via Iowa City and Fort Des Moines; third, from Dubuque to the Missouri river near Sioux City; fourth, from Lyons on the Mississippi river to Maquoketa to intersect with the main line of the Iowa Central. All companies accepting the grant were to have the lines of road surveyed by April 1, 1857; and it was provided that if either of the companies failed to complete and equip seventy-five miles of road by December 1, 1859, and the entire line by December 1, 1865, then all unsold lands should revert to the State, if the State so elected. August 3, 1864, more than three million acres of land was certified to the State. A portion of these lands had been already selected under the swamp land grant. An investigation by the general land office set aside about half a million acres as swamp lands, and the remainder was held for the railroad companies. Some of the roads were completed on time. In such cases there was no difficulty in adjusting the land grant. At the end of ten years other roads were still unfinished, and in accordance with an act of congress the unsold lands, in the grant to such roads, reverted to the public domain.

In the campaign of 1856 the Republican party made its first appearance on Iowa's political stage. A Republican convention at Iowa City, on the 22nd of February, nominated Elijah Sells for secretary of state; John Pattee for auditor; M. L. Morris for treasurer, and S. A. Rice for attorney-general and adopted a platform in which it was declared that "the mission of the Republican party is to maintain the liberty of the press, the sovereignty of the State, and perpetuity of the Union." The most significant resolutions were those touching on the slavery question. It was affirmed that "The repeal of the Missouri Compromise, and the refusal of the slave power to abide by the principles on which that repeal was professedly based make the national domain the

battle ground between freedom and slavery; and while Republicans stand on a national basis, and will ever manifest and maintain a national spirit, they will shrink from no conflict, and shirk no responsibility on this issue." On June 25, the Democratic state convention met at Iowa City, and the following ticket was placed in the field: For secretary of state, George Snyder; for auditor, James Pollard; for treasurer, George Paul; for attorney-general, James Baker. The nomination of James Buchanan was endorsed, and the platform of the national convention at Cincinnati was concurred in. At the election the entire Republican ticket was successful. Sells received forty thousand six hundred and eighty-seven votes and Snyder thirty-two thousand nine hundred and twenty. The proposition to hold a constitutional convention was carried by a majority of eighteen thousand six hundred and twenty-eight in a total vote of forty-six thousand nine hundred and fifty-two.

On December 1, 1856, began one of the severest snow storms ever known in Iowa. It commenced to snow shortly after noon, the wind suddenly rose and by nightfall a furious blizzard was sweeping over the State. A large number of casualties was reported. Two men named Long and Myers, together with their team, were found frozen and dead near Forest City after the storm had passed. At Mason City, just after eating their dinner two brothers, Reuben and David Williams, went a short distance out upon the prairie to water a herd of cattle. The storm came on so quickly that they were unable to find the way back to the town and walked all night in a little crab-apple thicket, which exercise no doubt saved their lives, though they were badly frozen as it was. The storm lasted three days, during which time nearly four feet of snow fell, while the thermometer registered thirty degrees below zero. Roads were blockaded with snow, and for a time travel was brought to a stand-still. Then a crust formed on the snow, strong enough to bear the weight of a man, which enabled pedestrians to travel about the country without much regard to highways. But this crust proved the destruction of hundreds of elk, deer, etc. Their small feet would break through, and unable to proceed the unfortunate animals would yield to circumstances and perish.

On the same day that this storm began the sixth legislature met in regular session at the capital, and organized by electing W. W. Hamilton president of the senate and Samuel McFarland speaker of the house. Altogether this was a busy winter for Iowa City. Besides the regular meeting of the legislative assem-

bly, the constitutional convention was convened in the supreme court room on the 19th of January, 1857. The convention was temporarily organized by the election of John A. Parvin, president; Thomas J. Saunders, secretary; Ellsworth N. Bates, assistant secretary, and Samuel C. Trowbridge sergeant at arms. On the morning of the 20th the committee on credentials reported that the following named delegates were entitled to seats in the convention:

From the first senatorial district, Edward Johnson and William Patterson; second, Squire Ayres; third, Timothy Day; fourth, Jonathan C. Hall and Moses W. Robinson; fifth, David P. Palmer; sixth, James F. Wilson; seventh, Rufus L. B. Clarke; eighth, George Gillaspie; ninth, John Edwards; tenth, Amos Harris; eleventh, Daniel H. Solomon; twelfth, Daniel W. Price; thirteenth, Francis Springer; fourteenth, David Bunker; fifteenth, Jeremiah Hollingsworth; sixteenth, James A. Young; seventeenth, Hiram D. Gibson; eighteenth, Lewis Todhunter; nineteenth, John A. Parvin; twentieth, William Penn Clarke; twenty-first, George W. Eells; twenty-second, Robert Gower; twenty-third, Aylett R. Cotton; twenty-fourth, Hosea W. Gray; twenty-fifth, James C. Traer; twenty-sixth, Harvey J. Skiff; twenty-seventh, Thomas Seeley; twenty-eighth, William A. Warren; twenty-ninth, Albert H. Marvin; thirtieth, John J. Emerson; thirty-second, Alpheus Scott; thirty-third, Sheldon G. Winchester; thirty-fourth, John T. Clark.\*

As soon as the delegates were sworn in by Judge T. H. Lee, the convention proceeded to the election of permanent officers. Francis Springer was chosen president; Thomas J. Saunders, secretary; E. N. Bates, assistant secretary, Samuel C. Trowbridge, sergeant at arms; Francis Thompson, doorkeeper; James Hawkins messenger, and Rev. A. J. Kynett, chaplain.

The constitution which was adopted by this convention, and which still remains—with a few minor amendments—the organic law of the State, is a more comprehensive instrument than the old constitution of 1846 which it annulled. In the constitution of 1857 the bill of rights consists of twenty-five sections in which it is declared that all political power is inherent in the people; that government is instituted for their protection and benefit, and that they have the right at all times to alter and reform the same when the public good demands it. Laws establishing religion, as well as laws prohibiting the free exercise of religious opin-

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\*No delegate for the thirty-first district was reported on this day, but on the 21st John H. Peters appeared with a certificate of election and was duly sworn in.

ion are prohibited; no religious test is required as a qualification for any office of public trust. Duelling is prohibited. No privileges or immunities are granted to any citizen which are not upon the same terms granted to all citizens. Free speech and a free press are guaranteed, persons exercising their constitutional rights along this line being held responsible for their abuse. Trial by jury is made inviolate and no person may be deprived of life, liberty or property without due process of law. Once acquitted no one may be tried a second time for the same offense. Private property is not taken for public use without just compensation; the people have the right to peaceably assemble to counsel for the common good and to petition for a redress of their grievances. The right of suffrage was extended by this constitution to "every white male citizen of the United States, of the age of twenty-one years,\* who shall have been a resident of this state six months next preceding the election, and of the county in which he claims his vote, sixty days."

The distribution of powers into the legislative, executive and judicial departments along the lines of the Federal constitution is provided for. By the provisions of the article relating to the departments, the legislature is made to consist of a senate, the members of which are elected for four years, and a house of representatives elected biennially. Meetings of the Assembly were changed to the first Monday in January next after the election of members of the house, and regular sessions were to be held biennially.

In the executive department it was provided that "the supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Iowa." A lieutenant-governor was also provided for, and all state officers were to be elected for terms of two years.

The supreme court of three judges and such inferior courts as might be established by the general assembly, were to constitute the judicial department. Salaries of the supreme judges were fixed at two thousand dollars per annum until 1860, after which time they were to be regulated by laws passed by the legislature.

On the subject of public finances it was provided that the State's credit should never be loaned or given to any person, association, or corporation, and that the State should never assume the payment of the debts of any person, association or corporation, unless the same had been incurred in time of war for the benefit of the

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\* The word "White" was stricken from the constitution by a later amendment.



state. The limit of public indebtedness for ordinary purposes was fixed at two hundred and fifty thousand dollars; and any debt for a special purpose was to be made the subject of a special law which should provide a tax levy for the payment of the debt, and after publication for three months this law was to be submitted to the people for their approval at an election, before it could become operative.

On the subject of corporations the constitution of 1857 was far more liberal than that of 1846. It was provided that no corporation should be created by special laws; that the property of all corporations conducted for profit should be taxed the same as that of individuals; that the state should be prohibited from becoming a stockholder in any corporation, and that political and municipal corporations should be forbidden to become stockholders in banking concerns, either directly or indirectly.

Corporations or associations, with banking powers well defined, might be created or authorized by the general assembly; but all laws creating such institutions were to be submitted to a vote of the people at a general or special election to be held not less than three months after the passage of the act. Under the same conditions the legislature was given power to establish a state bank; but, if such bank should be established, it was to be on an actual specie basis, and the branches of the bank were to be mutually responsible for all liabilities upon its notes, bills or other issues of paper intended for circulation as money.

A permanent fund for the support of the common schools was established. The basis of this fund was the land granted by congress for that purpose, to which was added the estates of all persons dying without leaving a will or heir, all fines for violation of the penal laws, and the money paid for exemption from military duty.

Lotteries were forever prohibited, and no divorce could be granted by the general assembly.

The constitution was adopted by the convention on the 5th day on March, and was submitted to the voters at the election in August following. At the same time a proposition to amend the constitution, by striking out the word "white" from the article relating to the right of suffrage, was submitted for approval or rejection, as a separate question. This amendment was lost at the time the constitution was adopted.

There were three elections in 1857--in April, August and October. At the first election the Democratic candidates were: For superintendent of public instruction, Maturin L. Fisher; for

register, Theodore S. Parvin; for Des Moines river commissioner, Gideon S. Bailey. The Republicans nominated L. A. Bugbee for superintendent; W. H. Holmes for register, and Edwin Manning for commissioner. A mixed ticket was elected in April, Fisher and Parvin, Democrats, being elected by majorities of about five hundred, and Manning, on the Republican ticket, by a majority of three hundred and fifteen.

At the August election no candidates were voted for, the question of the ratification of the constitution being the only question to be acted upon by the people. The constitution was approved, receiving forty thousand five hundred and seventy-six votes as against thirty-eight thousand six hundred and ninety-seven cast in opposition to it. As soon as the constitution was adopted, both parties began making preparations for the election of a governor and lieutenant governor according to its provisions.

On August 26, a Democratic convention assembled at Iowa City and nominated Benjamin M. Samuels for governor, and Geo. Gillaspie for lieutenant-governor. Confidence was expressed in the administration of President Buchanan; opponents to the president's policy were characterized as "factionists, disunionists and enemies of Democracy and the country."

The late constitutional convention was criticised for recommending "through an appendage to the Constitution, that the word 'white' be stricken from that instrument." For this, and similar reasons, the party declared its "open and undisguised hostility to each and every action and part of said instrument which contains these obnoxious provisions," and called upon "every true patriot in the State to carry these questions to the ballot box, and to elect officers who will take every honorable measure to reform and amend said constitution."

On the 19th, a week before the Democratic convention was held, the Republicans met at Iowa City and selected the following ticket: For governor, Ralph P. Lowe; for lieutenant-governor, Oran Faville. The platform of 1856 was reiterated in a number of particulars. The Dred Scott Decision of the United States supreme court was referred to as "the most alarming of those bold innovations upon the rights of the free states which have marked the administration of the government for years past, as sectional and disloyal to our free institutions." Mormonism was spoken of as a national disgrace, brought on by the toleration of the administration; Governor Grimes' administration and the new constitution were approved, and it was recommended that the next general assembly should pass laws providing for a system of

banking. At the election, on the second Tuesday in October, Lowe received forty thousand five hundred and seventy-six votes and Samuels thirty-eight thousand six hundred and ninety-seven. The Republican candidate for lieutenant-governor was also elected.

In the early spring of 1857 an Indian outrage occurred at Spirit Lake, in Dickinson county. A roving band of Sioux Indians, under the leadership of an outcast brave named Inkpaduta, were hunting in Northwestern Iowa. While near the settlements at Spirit Lake, a white man's dog bit one of the Indians who immediately killed the dog. A number of white men then went to the Indian camp, disarmed them, and bid them leave the country. Instead of obeying the injunction they got possession of more arms in some way, and on Sunday, March 8, appeared at Spirit Lake.

Three years before this Inkpaduta's brother had been cruelly murdered by a trader named Henry Lott, who fled the country as soon as the deed was committed. During these three years Inkpaduta had been watching his opportunity to avenge the death of his brother. The humiliation of being disarmed by the whites lingered with him, and he determined to wipe out the insult.

When the Indians came to the settlement at Spirit Lake, on that Sunday morning, they first went to a cabin occupied by some men and asked for beef. Pretending to understand that their request was granted, they went into a lot, killed one of the cattle, and were cutting it up, when one of the white men came out and entered a protest. In the altercation that ensued an Indian was knocked down, but the blow had no sooner been struck than the white man was fired upon and instantly killed. Hearing the shot two other white men left the cabin to ascertain the cause. Hardly had they set foot outside the door, when they met the fate of their comrade. The cabin was then set on fire, and nine more men were killed as they emerged from the burning building.

They next went to the cabin of Rowland Gardner, who was getting ready to start to Fort Dodge to purchase supplies while the weather was favorable. The family were at breakfast. Altogether eight persons were there. Besides Gardner and his wife, their daughter Abbie, fourteen years old, and a little son, there were a married daughter (Mrs. Luce), her husband and their two little ones at the table, when the door suddenly opened, a Sioux warrior entered and demanded food. A seat was placed for him at the table and the meal about to proceed, when fourteen other Indians, with Inkpaduta at their head, crowded into

the cabin. Not content with food they wanted ammunition. One attempted to take a horn of powder hanging on the wall, but was prevented by Luce.

At this juncture two of Gardner's neighbors came in with a letter for him to carry to Fort Dodge. Gardner told them that he would not leave home while the Indians were about, for he felt sure they meant mischief. The two neighbors laughed at him, talked with the Indians a little while, and returned to their cabins. About noon the Indians left Gardner's, and as soon as they were gone Luce and another man started out to warn the settlers. But it was too late. All that afternoon Inkipaduta and his band of fiends moved from cabin to cabin, killing in cold blood the unsuspecting. About dark they returned to the Gardner cabin. Gardner knew that trouble was coming and wanted to bar the door, but the women begged him to speak to the Indians fairly and not do anything to incense them.

Nine Indians walked into the cabin and boldly asked for meal. As Gardner turned to the bin to get it, he was shot in the back. The women were clubbed to death with the guns. The little children ran to the fourteen year old Abbie for protection, but one by one they were torn from her and beaten to death with sticks of stove wood. Abbie was taken prisoner.

From Sunday until the following Friday the Indians roamed about ruthlessly killing every white man they met. On Friday four Indians went to the cabin of a man named Marble, and, pretending friendship, challenged him to shoot at a mark. Marble accepted the challenge, and, as he started into the house for his gun, was shot in the back and died almost instantly. Seeing her husband fall, the wife ran to him, but was taken in charge by two of the Indians and carried into captivity.

Stripping the bark from a tree, the Indians pictured their savage deeds upon the white trunk, and then fled, taking with them Mrs. Marble, Mrs. Noble, Mrs. Thatcher and Abbie Gardner as prisoners. The band headed for Dakota. After walking all day the white women were compelled to put up the tepees and gather firewood at night. One day while crossing a stream on the trunk of a fallen tree, Mrs. Thatcher, who was not in good health, was pushed from the log into the water. When she attempted to reach the bank, she was shot by one of the party and her body was left to float down the stream. A few days later Inkipaduta's son killed Mrs. Noble for some act of insubordination. On the 2nd of May two friendly Indians, Sounding Heavens and Grey Foot, located the two remaining captives and man-



aged to rescue Mrs. Marble. A little while later Abbie Gardner was rescued by Little Paul, Otherday, and two more friendly Indians from the Yellow Medicine Agency in Minnesota, acting under instructions from the Indian Agent Flandrau.

The annuity Indians were ordered to capture Inkpaduta and his followers or lose their annuities, but they obeyed so reluctantly that nothing was accomplished. In July some soldiers found Inkpaduta's son, the one that had killed Mrs. Noble, lurking near the Yellow Medicine Agency and promptly shot him to death, but the rest of the band was never punished.

This affair is known as the Spirit Lake massacre—the only serious trouble with the Indians in Iowa after its organization as a territory. There is little doubt that Inkpaduta hoped and intended to make the massacre more general. All winter Sleepy Eye and his band had been quartered near Springfield, Minn. Both he and Inkpaduta denied having ever given their assent to the Traverse des Sioux treaty, and they looked upon the whites as trespassers. It was said to be their intention, after killing the settlers at Spirit Lake and Springfield, to go down the Des Moines river, raiding the settlements and killing the settlers. But a man named Morris Markham spread the alarm. Troops from Fort Ridgely and volunteer companies from Fort Dodge and Webster City compelled the Indians to abandon their plan and seek safety in flight.

## CHAPTER IV

## Proceedings from 1858 to 1868

R ALPH PHILLIPS LOWE, the fourth state governor of Iowa, and the first under the new constitution, was born in Warren county, O., on the 27th day of November, 1805. At the age of twenty years he entered Miami University, but before he was graduated withdrew from school to engage in teaching at Asheville, Ala. Later he studied law with his brother at Dayton, O., and, upon being admitted to the bar, he formed a partnership with his brother which lasted till 1840, when he removed to Bloomington (now Muscatine), Ia., where he opened a law office, and also became interested in farming operations. He was a member and temporary president of the constitutional convention of 1844. For a number of years he served as district attorney and district judge and in 1857 was elected governor. At the close of his term as governor in 1860, he was elected a member of the supreme bench and served till 1868, when he resigned to prosecute what was known as the "Five per cent claim of Iowa" against the United States. This claim grew out of the sale of lands on military land warrants. Governor Lowe took the position that lands given to soldiers on these warrants was not in the nature of a bounty, and that the State was entitled to five per cent on these claims the same as on any other sale of public lands. After resigning from the supreme bench, he spent ten years, part of which time he was United States district attorney, in trying to get the claim of the State allowed. Had he succeeded the general government would have been obliged to pay Iowa about eight hundred thousand dollars. He associated with him William M. Evarts of New York; Allen G. Thurman, of Ohio, and Sen. Joseph E. McDonald of Indiana. The case was

argued before the United States supreme court in 1883. When the court reached a decision adverse to Iowa, Governor Lowe was lying critically ill. The publication of the decision was withheld until after his death, which occurred December 22, 1883, that his illness might not be aggravated by the consciousness of his defeat. He died without knowing that he had failed.

On January 7, 1858, the seventh legislative assembly met at Des Moines. After the repeal of the law locating the capital at Monroe City, a bill passed the legislature January 15, 1855, authorizing the location of a capital within two miles of the confluence of the Des Moines and Racoon rivers. The bill further provided that, when suitable buildings should be erected without cost to the state, the capital would be ordered removed to the new location.

In 1856 W. A. Scott and Harrison Lyon donated ten acres of ground in East Des Moines for a site, and Dr. T. K. Brooks, Stewart Goodrell, Col. J. M. Griffith, Harvey Griffith, Alexander Scott, J. D. Cavenor, Col. James Williamson, and Harrison Lyon organized the Capital Building Association, the object being to erect buildings for the state in accordance with the act of January, 1855. All were large owners of real estate in the vicinity of Fort Des Moines, as the place was still called, although the fort had been gone since 1846. After the fort had been abandoned, congress donated the buildings to Polk county for a county seat. In 1851 a town had been laid out, and several houses had been built. The owners of real estate saw that, if the capital of the state could be permanently located there, the appreciation of land values would more than reimburse them for their outlay in building the capitol.

In the summer of 1857 the "Old Brick Capitol" was constructed at a cost of about thirty-seven thousand dollars. It was fifty-five by one hundred and eight feet, with two stories and a basement, and when complete was leased to the state for the nominal rental of one dollar a year. The constitution of 1857 named Des Moines as the permanent capital, and in November the state records, etc., were removed from Iowa City in wagons drawn by oxen, for the railroads had not yet penetrated that far into the interior. Before the capitol building was completed, the superintendent of public instruction, James D. Eads, loaned about thirty thousand dollars of the school funds to the association to finish it. When the panic of 1857 came on, the association failed to pay the interest on this loan, and the capitol became the property of the state by foreclosure.

When the legislature met at Des Moines, in January, 1858, Oran Faville, the first lieutenant-governor of Iowa, was the presiding officer of the senate, and Stephen B. Shelleday was speaker of the house. One of the most important bills of the session was that providing for the maintenance of an agricultural college. Some years before congress had granted the state five sections of land to aid in the erection of public buildings. The legislature of 1858 voted to divert the proceeds of this five section grant to an agricultural college and model farm, provided the consent of congress could be secured. Congress assented to the arrangement in July, and the five sections became the nucleus of the fund for the support of the agricultural college which was afterward located at Ames. By the act of 1852 congress gave to certain states, for agricultural college purposes, 30,000 acres of land for each senator and representative in congress. By this act Iowa was entitled to 240,000 acres, though only about 209,000 were selected.

On the 26th of January Ex-Gov. James W. Grimes was elected to succeed George W. Jones in the United States senate. In the campaign of 1858 the Republicans met in convention at Iowa City on the 17th of June and nominated Elijah Sells for secretary of state; J. W. Cattell for auditor; John W. Jones for treasurer; S. A. Rice for attorney-general; A. B. Miller for register of the state land office, and William C. Drake for river improvement commissioner. The national Republican platform of 1856 was endorsed; the Dred Scott decision was condemned; the admission of Kansas under the Lecompton constitution was denounced as an English swindle, and the extension of slavery was opposed. The superintendent of public instruction was charged with "mismanagement and reckless squandering of the school fund," and the Republican members of the congress from Iowa were endorsed.

The Democratic state convention met at Des Moines, on the twenty-third of June, and named the following ticket: For secretary of state, Samuel Douglas; for auditor, Theodore S. Parvin; for treasurer, Samuel H. Lorah; for attorney-general, James M. Elwood; for river improvement commissioner, Charles Baldwin; for register of the land office, James M. Reid. Like that of the Republicans, the convention approved the declarations of the national party platform of 1856. On state issues it was declared that the "administration of the state affairs of Iowa for the last four years under Republican rule is of a character to warrant the most rigid investigation by the people," and the



Democratic party was pledged "to reform the state government, and to bring to condign punishment whoever may be found guilty of criminal default in any of its departments." The entire Republican ticket was elected by majorities ranging from 2,714 to 3,731.

This year Abraham Lincoln and Stephen A. Douglas held their joint debates in Illinois. On the ninth of October Lincoln crossed over to Burlington and spoke at Grimes' hall. His debates with Douglas had made him famous, and the hall was packed to hear him. The following summer while Lincoln was returning from Kansas where he had been campaigning, an interesting incident occurred. When he reached St. Joseph, Mo., almost tired out, the captain of a steamboat invited him to be the guest of the boat to Council Bluffs and return. Lincoln accepted the invitation as a means of obtaining a few days' rest, and stopped at Council Bluffs while the boat went across to Omaha. On the trip it had the misfortune to get stuck on a bar, and for three days the future president of the United States enjoyed the hospitality of Council Bluffs. He was prevailed on to address an audience at Palmer's hall. It is needless to say that he had a full house, and for years afterward oratorical efforts at Council Bluffs were compared by some of the citizens to Lincoln's Palmer hall speech.

Under the constitution of 1857, judges of the supreme court were to be elected in 1859. On the 22nd of June the Republicans met at Des Moines and nominated the following ticket: For governor, Samuel J. Kirkwood; for lieutenant-governor, Nicholas J. Rusch; for supreme judges, Ralph P. Lowe, L. H. Stockton and Caleb Baldwin. The Democrats met at the same place the next day and nominated Augustus C. Dodge for governor; L. W. Babbitt for lieutenant-governor; Charles Mason, T. S. Wilson and C. C. Cole for judges of the supreme court. About the only innovation in either of the platforms was a plank adopted by the Democrats, favoring the annexation of Cuba "whenever it can be effected with justice and in accordance with the wishes of the people thereof." Again the entire Republican ticket was elected. For governor Kirkwood received 56,506 votes to 53,542 for Dodge.

Samuel Jordan Kirkwood, fifth and also the ninth, state governor of Iowa, was born in Harford county, Md., December 20, 1813. He received an academic education at Washington, D. C., and while still in his teens entered a drug store as clerk and remained in that position until he reached his majority. In 1835 he went to Richland county, O., where he studied law and was

admitted to the bar. For four years he was prosecuting attorney, and in 1850 was a member of the Ohio constitutional convention. In 1855 he removed to Iowa and engaged in farming and milling near Iowa City. The next year after locating in Iowa, he was elected a member of the state senate from Johnson county, serving with the last legislature at Iowa City and the first at Des Moines. He was elected governor in 1859 and re-elected in 1861. In 1862 President Lincoln appointed him minister to Denmark; but, feeling that the first duty was to the people who had elected him, he declined. In 1866 he was elected to the United States senate to fill a vacancy caused by the resignation of James Harlan, and in 1875 was again elected governor. While serving his third term as governor, he was again elected to the United States senate, where he served until 1881, when he resigned to enter President Garfield's cabinet as secretary of the interior. After the death of President Garfield, he was succeeded in this position by Henry M. Teller, of Colorado, and retired from public life. He died at Iowa City September 1, 1894.

Lieutenant-Governor Rusch presided over the senate at the session of the legislature which met on the 8th of January, 1860, and John Edwards was speaker of the house. On the 3d of March an act abolishing the Des Moines river improvement commission was passed. George G. Wright, Edward Johnson and Christian W. Slagle were appointed a committee to audit the accounts and ascertain the liabilities of the commission. This committee was clothed with judicial powers and ordered to meet at Keosauqua to hear and determine claims. Thus the affairs of the commission were closed up, and the scheme to improve the Des Moines river was brought to an end.

The political campaign of 1860 was one of unusual interest. The air was full of premonitions that something out of the ordinary was about to happen. On the twenty-third of May the Republican convention met at Iowa City. Elijah Sells for secretary of state; J. W. Cottell for auditor; John W. Jones for treasurer, and A. B. Miller for register of the land office, were all renominated; the ticket was completed by the nomination of Charles C. Nourse for attorney-general. The platform adopted was very short, merely approving that of the national convention at Chicago; endorsing the nominations of Lincoln and Hamlin, and expressing confidence in the candidates nominated that day for state offices.

The Democratic state convention met on the 12th of July at Des Moines. James M. Corse was nominated for secretary of state;

George W. Mexfield, for auditor; John W. Ellis, for treasurer; William McClintock, for attorney-general, and Patrick Robb, for register of the land office. In the platform, which was a long one, the nominations of Douglas and Johnson by the Baltimore convention, as well as the national platform, were endorsed. The delegates from Iowa to the national convention, were thanked for the able manner in which they had discharged their duty; a homestead law that would give every citizen of the United States a home for himself and family, was demanded; and congressional intervention was denounced as a hydra-headed monster. On state issues the platform pledged the party to reduce expenses in the state government; to reduce taxes; to construct public buildings at less expense; to secure an early revision of the constitution; to separate the state finances from the banks; to amend the banking laws so as to throw reasonable restrictions upon the operations of the banks for the security of the people, and to repeal all laws authorizing state or county officers to deposit public money with the branches of the state bank, save at their own risk.

At the election a heavy vote was polled, the Republican candidates being elected. For secretary of state Sells received seventy thousand seven hundred and six votes and Corse fifty-seven thousand and thirty-six. The vote of the state for president gave Lincoln seventy thousand four hundred and nine; Douglas forty-four thousand one hundred and eleven; Breckenridge one thousand and forty-eight, and Bell one thousand seven hundred and sixty-three. According to the census of 1860, the population of the state was six hundred and seventy-three thousand nine hundred and twenty-five whites, and one thousand and twenty-three free negroes.

The early spring of 1861 was a period of general unrest. Several of the Southern states had seceded from the Union before President Lincoln was inaugurated. Iowa watched the movement with interest, and stood ready to check its progress whenever the proper authorities should give the word. On the 16th of April, the day following the president's call for seventy-five thousand troops, a telegram from the war department called upon Governor Kirkwood for a regiment of militia for immediate service.

Colonel Vandever carried the telegram from Davenport to the governor's farm near Iowa City. When the governor had read it, he expressed some doubt about being able to raise "a whole regiment of men." The work of recruiting was immediately begun, and Governor Kirkwood soon discovered that his doubts

were without foundation. It was easier to raise the men than to secure equipments for them. To provide for the necessary expenses an extra session of the legislature was called to meet on the 15th of May. The day before the legislature met, the First Iowa infantry was mustered into the service of the United States, at Keokuk, with John F. Bates of Dubuque as colonel; Wm. H. Merritt of Cedar Rapids, lieutenant-colonel, and A. B. Porter, of Mount Pleasant, major. Other regiments were in the process of formation, but the question of arming and equipping the men became a serious one. From all parts of the state came the demand for muskets. When the special session of the legislature met, Governor Kirkwood explained the situation in his message, and further said:

"In this emergency, Iowa must not and does not occupy a doubtful position. For the Union, as our fathers formed it, and for the Government they founded so wisely and so well, the people of Iowa are ready to pledge every fighting man in the State, and every dollar of her money and credit; and I have called you together in extraordinary session for the purpose of making that pledge formal and effective. The procuring of a liberal supply of arms for the use of the State is a matter that I earnestly recommend to your early and serious consideration. The last four weeks have taught us a lesson which I trust we may never forget—that peace is the proper time to prepare for war."

No doubt about being able to raise "a whole regiment of men," now existed in Governor Kirkwood's mind. Already enough companies to organize five regiments had been formed, and the recruiting still went on. From the experience of the last four weeks, he had learned the spirit of Iowa's sons; and it was no exaggeration when he said in his message that Iowa stood ready to pledge the last man and the last dollar to preserve the Union.

On the 28th of May the legislature passed an act appointing the governor of the state, Charles Mason of Des Moines county, William Smyth of Linn, James Baker of Lucas, and C. W. Slagle of Jefferson, a commission to sell from time to time, as exigencies demanded, bonds to the amount of eight hundred thousand dollars, the proceeds to constitute a "war and defense fund." In order to make the loan a popular one, one-fourth of the bonds was ordered to be printed in denominations of one hundred dollars; one-fourth, of five hundred dollars, and the remainder, of one thousand dollars, each.\*

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\* Through the careful management of Governor Kirkwood only about three hundred thousand dollars of this "war and defense fund" was used.



On the same date the governor was empowered to purchase five thousand stands of arms and such quantities of ammunition as he might deem necessary, also tents, clothing and camp equipage, all to be paid for from the war and defense fund. A joint resolution to uniform the First regiment in the same manner as the Second and Third regiments had been uniformed, had been passed four days before. A memorial to the president asking permission to form an "Iowa Brigade" of the regiments then organized, and also to permit Iowa to furnish at least one company of cavalry, was adopted during the session.

These acts, resolutions, and memorials, were not passed without some opposition. Although a majority of the members were in favor of a vigorous prosecution of the war, there was a considerable minority that held the opposite view. They wanted a cessation of hostilities, to hold peace conventions, to compromise, etc. About a month after the special session adjourned, this minority showed itself under its true colors.

On the 22nd of July they met and passed resolutions declaring the eight hundred thousand dollar loan unconstitutional. The cry was taken up by certain newspapers in the East, which unfavorable publicity injured the sale of the bonds in New York, where they had been advertised in accordance with the provisions of the act. In this emergency Governor Kirkwood appealed to the patriotic people of Iowa. The first regiments were clothed and equipped upon the personal security of Governor Kirkwood, Hiram B. Price, Samuel Merrill and Ezekiel Clark. Cloth for uniforms could not be obtained in Chicago, because the supply had been exhausted. Samuel Merrill ordered enough from Boston for fifteen hundred uniforms. When it arrived the loyal women of Iowa set to work to make it up into garments. Early and late toiled the wives, mothers and sweethearts of Iowa's soldier boys, to send them to the front properly equipped. Perhaps a tear from the eye of some fair seamstress now and then fell upon the cloth as she thought that the wearer might fill a nameless grave in the enemy's country.

Nor were the resolutions adopted by the "Mahoneyites," as they were called, the only expression of the "foes within." At Ossian a Confederate flag was raised amid the cheers of the assembled populace. In Marion county, on July 10th, a meeting adopted resolutions to the effect that "Under the administration of President Lincoln we behold our beloved country distracted at home and disgraced abroad; commerce paralyzed; trade annihilated; coasts blockaded; rivers shut up; the constitution

trampled under foot ; citizens imprisoned ; laws suspended ; legislatures overawed by bayonets ; debts repudiated, and states invaded and dismembered." Even in the capital of the state, the course of Governor Kirkwood and the administration of President Lincoln were condemned in public meetings.

Meantime the organization of the regiments went steadily forward. Soon after the First had been mustered in, the Second with Samuel R. Curtis of Keokuk as colonel, Joseph M. Tuttle of Keosauqua, lieutenant-colonel, and M. M. Crocker of Des Moines as major, was accepted by the governor.

The Third infantry and First cavalry were also mustered into the service during the early summer. Nelson G. Williams, of Dubuque, was colonel of the Third infantry ; John Scott, of Story county, was lieutenant-colonel, and William M. Stone, of Marion county, was major. The officers of the First cavalry were as follows : Colonel Fitz Henry Warren ; lieutenant-colonel, Charles E. Moss ; majors, William G. Torrence and James O. Gower. The Fourth infantry was officered by G. M. Dodge, of Council Bluffs, colonel ; John Galligan, of Davenport, lieutenant-colonel ; William R. English, of Glenwood, major. William H. Worthington, of Keokuk, was colonel of the Fifth infantry ; C. Z. Mathias, of Burlington, lieutenant-colonel, and W. S. Robertson, of Columbus, major. The regiment was mustered in on the fifteenth of July.

On the sixth of July the Sixth regiment with John A. McDowell, of Keokuk, colonel ; Markoe Cummins, of Muscatine, lieutenant-colonel, and John M. Corse, of Burlington, major, was mustered in at Burlington.

On July 24, the Seventh regiment was mustered in at Burlington, and had the following officers : Colonel, J. G. Lauman, of Burlington ; lieutenant-colonel, Augustus Wentz, of Davenport ; major, E. M. Rice, of Oskaloosa. The Eighth regiment was organized with Frederick Steele of the regular army, as colonel ; James L. Geddes, of Vinton, as lieutenant-colonel, and J. C. Ferguson, of Knoxville, as major. It was mustered in at Davenport on the 12th of September.

About the same time the Ninth regiment was mustered in. Its officers were, William Vandever, of Dubuque, colonel ; Frank G. Herron, also of Dubuque, lieutenant-colonel, and William H. Coyle, of Decorah, major. On the 6th of September the Tenth regiment was mustered in at Iowa City. The officers of this regiment were as follows : Nicholas Perczell, of Davenport, colonel ; W. E. Small, of Iowa City, lieutenant-colonel ; John C. Bennett,

of Polk county, major. At Davenport, on the 1st of September, the Second cavalry was mustered in. William L. Elliott, who had served as captain in the Third U. S. Cavalry was made colonel; the other officers were: Edward Hatch, of Muscatine, lieutenant-colonel; N. P. Hepburn, of Marshalltown, and H. W. Love, of Iowa City, majors.

During the month of September the Third cavalry was also accepted by the government. Of this regiment, Cyrus Bussey, of Bloomfield, was colonel; H. H. Trimble, of Bloomfield, lieutenant-colonel; C. H. Perry, H. C. Caldwell and W. C. Drake, majors. Of all the Iowa regiments, none was raised more quickly than the Third cavalry. When Colonel Bussey began the organization, he issued a call for each man to bring a good horse to sell to the government. He went to Chicago and personally contracted for all the necessary equipments. The result was that, within two weeks from the time the first man was enlisted, the regiment was complete and ready for service. In September and October the Eleventh infantry was organized at Davenport. The colonel of this regiment was A. M. Hare of Muscatine; the lieutenant-colonel, John C. Abercrombie, the major, William Hall.

Soon after the defeat of the Union army at Bull Run, a call was issued for more volunteers. In response to that call the organization of the Twelfth infantry was begun, but was not completed until November, when it was mustered in with J. J. Wood, of Maquoketa, as colonel; John P. Coulter, of Cedar Rapids, as lieutenant-colonel, and Samuel D. Brodtbeck, of Dubuque, as major. Marcellus M. Crocker, who went out as major of the Second regiment, became colonel of the Thirteenth, which entered the service in November, 1861. M. M. Price, of Davenport, was lieutenant-colonel of this regiment, and John Shaw, of Vinton, was major. The Fourteenth, the last of the infantry regiments recruited in 1861, was organized under the call of October 3. William T. Shaw, of Anamosa, was the colonel; Edward W. Lucas, of Iowa City, lieutenant-colonel, and Hiram Leonard, of Des Moines, major. In November the organization of the Fourth cavalry was completed. Asbury B. Porter, of Mount Pleasant, was made colonel; Thomas Drummond, of Vinton, lieutenant-colonel; J. E. Jewett, of Des Moines, S. D. Swan and G. A. Stone, of Mount Pleasant, majors.

Notwithstanding the work of recruiting volunteer troops, a lively interest was taken in the political campaign of 1861. On July 31, the Republicans held a state convention at Des Moines. Governor Kirkwood was unanimously nominated for re-election.

The ticket was completed by the nomination of John R. Needham for lieutenant governor and Ralph P. Lowe for judge of the supreme court. The platform adopted declared "unalterable devotion to the constitution and union of states;" condemned the doctrine of secession as an abomination and abhorrent to patriotism, and insisted that "government always means coercion when its lawful authority is resisted." The action of the general assembly in providing a war and defense fund was approved.

The Democratic convention, which had been held at the capitol a week before, nominated William H. Merritt for governor; Maturin L. Fisher for lieutenant-governor, and James M. Elwood for judge of the supreme court. In the platform the condition of the country was regarded "as the legitimate result of the successful teaching of the doctrine and policy of the 'irrepressible conflict;' a doctrine and policy which arrayed northern sentiment in antagonism to the constitutional rights of the slave states, and which proclaimed an 'irrepressible' and unceasing hostility to the domestic institutions of our brethren of the South." The course of the Southern states "to obtain redress" was unequivocally condemned; the doctrine of secession was "heartily opposed;" the doctrine of state rights was proclaimed; all paper money was characterized as "system of legalized swindling;" and a tariff on imports for the purpose of protection was opposed.

Governor Kirkwood's majority in 1859 was a little less than three thousand. This year he was re-elected by a majority of sixteen thousand six hundred and eight, in a total vote of one hundred and three thousand and ninety-eight. The other Republican candidates were also elected, Lowe's majority for supreme judge reaching nearly twenty thousand.

The legislature which met in January, 1862, passed acts exempting the property of soldiers from execution; authorizing the governor to employ army nurses and surgeons for sick and wounded Iowa soldiers, and providing transportation for sick and disabled soldiers discharged because of their disabilities or sent home on furlough.

Early in the year 1862, the Fifteenth regiment of infantry was mustered into the Federal service at Keokuk. Hugh T. Reid, of that city, was made colonel; William Dewey, of Fremont county, lieutenant-colonel, and W. W. Belknap, of Keokuk, major. The Sixteenth infantry was mustered in a few days before the Fifteenth. Alexander Chambers was chosen colonel; A. H. Sanders, lieutenant-colonel, and William Purcell, major. At the time this regiment was mustered in, it was generally thought that it was the



last Iowa would be called on to furnish. But the war was not over, and before the close of 1862 the Hawkeye state had forty regiments of infantry in the field.

John W. Rankin, of Keokuk, was colonel of the Seventeenth, which was organized in the early spring of 1862. D. B. Hillis, also of Keokuk, was the lieutenant-colonel, and Samuel M. Wise, of Mount Pleasant, was major. Soon after this regiment was mustered in, the Eighteenth was ready for service at Clinton. John Edwards, of Chariton, was colonel; T. Z. Cook, of Cedar Rapids, lieutenant-colonel, and Hugh J. Campbell, of Muscatine, major.

The Nineteenth and Twentieth regiments were organized under the call of July 2, 1862. Thirty days after that call was issued, Iowa's quota was ready. The officers of the Nineteenth were: Benjamin Crabb, of Washington, colonel; Samuel McFarland, of Mount Pleasant, lieutenant-colonel, and Daniel Kent, of Madison county, major. Of the Twentieth, which was made up from Scott and Linn counties, William McE. Dye, of Marion, was colonel; J. B. Leek, of Davenport, lieutenant-colonel, and W. G. Thompson, of Marion, major.

During the month of August the Twenty-first and Twenty-second regiments were formed. Samuel Merrill, afterward governor of Iowa, was colonel of the Twenty-first; Cornelius W. Dunlap, of Mitchell, lieutenant-colonel, and S. F. VanAnda, of Delhi, major. The Twenty-second was officered by Col. William M. Stone, formerly major of the Third infantry; Lieut. Col. John A. Garrett of Newton, and Maj. Harvey Graham of Iowa City. The Twenty-first was mustered in at Des Moines late in August, and the Twenty-second at Iowa City on the tenth of September.

On September 19, the Twenty-third infantry was mustered in at Des Moines. William Dewey, of Fremont county, formerly lieutenant-colonel of the Fifteenth, was made colonel of the Twenty-third, the other officers being W. H. Kinsman, of Council Bluffs, lieutenant-colonel, and S. L. Glasgow, of Corydon, major.

At Muscatine, September 18th, the Twenty-fourth regiment entered the service. Eber C. Byarn of Mount Vernon was colonel; John Q. Wilds, also of Mount Vernon, was lieutenant-colonel, and Edward Wright, of Springdale, major. The Twenty-fourth was known as the "Temperance regiment," an appellation which needs no explanation.

The Twenty-fifth regiment was recruited in the vicinity of Mount Pleasant, and was mustered in at that city, on the twenty-

seventh of September. George A. Stone, of Mount Pleasant, was colonel; Fabian Randolph, lieutenant-colonel, and Calvin Taylor, of Bloomfield, major.

In the months of August and September the Twenty-sixth regiment was recruited in Clinton and adjoining counties. Milo Smith, of Clinton, was made colonel; S. G. Magill, of Lyons, lieutenant-colonel, and Samuel Clark, of DeWitt, major.

Northern Iowa furnished the Twenty-seventh regiment of infantry, which was mustered in at Dubuque on the 3d of October. James I. Gilbert, of Lansing, was made colonel; Jed Lake, of Independence, lieutenant-colonel, and G. W. Howard of Bradford, major.

The Twenty-eighth regiment came from Central Iowa. William E. Miller, of Iowa City, was colonel at the time of the muster in; John Connell, of Toledo, lieutenant-colonel, and H. B. Lynch, of Millersburg, major. This regiment was all over the Confederate states, serving in the Army of the Potomac, the department of the Mississippi, and the Southwest.

On December 1, at Council Bluffs, the Twenty-ninth regiment was mustered in. The officers were: Thomas H. Benton, Jr., of Council Bluffs, colonel; R. F. Patterson, of Keokuk, lieutenant-colonel, and Charles B. Shoemaker, of Clarinda, major.

The Thirtieth regiment was mustered in at Keokuk, on the 23d of September. Charles B. Abbott, of Louisa county, was colonel; William M. G. Torrence, of Keokuk, lieutenant-colonel, and Lauren Dewey, of Mount Pleasant, major.

Four regiments were mustered in during the month of October: The Thirty-first at Davenport on the 13th with William Smyth, of Marion county, colonel; J. W. Jenkins of Maquoketa, lieutenant-colonel, and Ezekiel Cutler, of Anamosa, major; the Thirty-second on the 5th at Dubuque; John Scott, of Nevada, being colonel; E. H. Mix, of Shell Rock, lieutenant-colonel, and G. A. Eberhart, of Waterloo, major; the Thirty-third, which entered the service on the first of the month at Oskaloosa; Samuel A. Rice of that city being colonel; Cyrus H. Maskey, of Sigourney, lieutenant-colonel, and Hiram D. Gibson, of Knoxville, major; the Thirty-fourth was mustered in at Burlington on the fifteenth. This regiment was officered by George W. Clark, of Indianola, colonel; W. S. Dungan, of Chariton, lieutenant-colonel, and R. D. Kellogg of Decatur, major. On the first of January, 1865, it was consolidated with the Twenty-eighth regiment.

On September 18, the Thirty-fifth regiment was mustered in at Muscatine. Col. S. G. Hill; Lieut. Col. James S. Rothrock

and Maj. Henry O'Conner were all residents of that city, and most of the regiment came from that section of the state. The Thirty-sixth infantry entered the service at Keokuk on the fourth of October. The following were its officers: Colonel, Charles W. Kittredge, of Ottumwa; lieutenant-colonel, F. M. Drake, of Unionville; major, T. C. Woodward, of Ottumwa. This regiment was in the Southwest during the greater part of its service, and suffered severely from smallpox, more than one hundred of the men falling victims to the dread scourge.

George W. Kincaid, of Muscatine, was the colonel of the Thirty-seventh, when it was mustered in at that city on the fifteenth of December. The other officers were Lieut. Col. George R. West, of Dubuque, and Maj. Lyman Allen, of Iowa City. Every man in the Thirty-seventh was over forty-five years of age, the only regiment of its kind in the Federal army during the war. Under the established rules not a man in this regiment was subject to military duty, but with true patriotic instincts these men, nearing life's meridian, answered their country's call with all the fervor of youth.

November 4, the Thirty-eighth was mustered in at Dubuque. Its officers were as follows: Colonel, D. H. Hughes, of Decorah; lieutenant-colonel, J. O. Hudmitt, of Waverly; major, Charles Chadwick, of West Union. A short time after this regiment entered the service, it was followed by the Thirty-ninth which was officered as follows: H. J. B. Cummings, of Winterset, colonel; James Redfield, of Redfield, lieutenant-colonel, and J. M. Griffith, of Des Moines, major. Although one of the last to enter the service, the Thirty-ninth was one of the most distinguished of the Iowa regiments.

The Fortieth, the last of the infantry regiments organized in 1862, was mustered in at Iowa City on the 5th of November. John A. Garrett, of Newton, who had gone out as lieutenant-colonel of the Twenty-second, became colonel of the Fortieth. S. F. Cooper, of Ginnell, was lieutenant-colonel, and S. G. Smith, of Newton, was major. This was the last of the three years regiments. Three companies were organized for the Forty-first, but were sent to Fort Randall, Dakota. Part of a regiment which was to have been the Forty-second was in camp for awhile at Dubuque, and the organization of the Forty-third was begun at Ottumwa, but none of these regiments was ever completed.

In August, 1862, occurred the Indian outbreak in Western Minnesota, and the citizens in the northwestern part of Iowa became alarmed for fear that the war would be carried into this

state. With that promptness for which he was distinguished, Governor Kirkwood sent S. R. Ingham to distribute arms and ammunition to the people of the northwestern counties. Ingham was authorized to draw on the state auditor for one thousand dollars to defray the expenses of organizing the citizens for their defense. He visited Dickinson, Emmett, Palo Alto, Kossuth, Humboldt and Webster counties. A company of forty men was soon organized and placed under the command of Lieutenant Sawyers, with instructions to increase the number to eighty if thought necessary. Arms and ammunition were distributed among the people of the border counties, but before the arrangements could be completed Little Crow and his band were fleeing toward the Missouri river and the scare was over.

While the fight for possession of Missouri was going on, the Iowa counties along the southern border were in a constant state of agitation, fearing an attack from the Confederate forces gathered at various points south of them. In August, 1861, a Confederate detachment made an attempt to capture some government stores at Athens, a little town on the Missouri side of the Des Moines river, about twenty miles from Keokuk. Some of the shots fired from the Confederate cannon on that occasion flew wild and landed on the Iowa side of the river.

Loyal citizens in these border counties appealed to Governor Kirkwood for arms, and for permission to organize companies for the defense of their homes. They did not appeal in vain. Under date of September 11, 1862, the governor wrote a letter to one man in each of the southern tier of counties authorizing him to organize a company of from eighty to one hundred men. The men selected for this purpose were Charles W. Lowrie of Lee county; Joseph Dickey of Van Buren; Hosea B. Horn of Davis; H. Tannehill of Appanoose; W. W. Thomas of Wayne; James H. Summers of Decatur; Thomas Ayr of Ringgold; R. A. Moser of Taylor; John R. Morledge of Page; E. S. Hedges of Fremont, and D. W. Dixon of Wapello.

In his letter of instructions the governor recommended that a few men of each company should be kept on duty as scouts, and that the remainder should stay at home, engaged in their usual avocations, but subject to call at any time. They were to be known as "minute men," because they were liable to be called into military service at a minute's warning. He also cautioned those commissioned to organize companies to "accept none whose devotion to the government is doubtful." The troops thus organized were afterward known as the "Southern Border Brigade."



In the political campaign of 1862 the Democrats nominated Richard H. Sylvester for secretary of state; John Browne for auditor; Samuel H. Lorah for treasurer; Benton J. Hall for attorney-general, and Frederick Gottschalk for register of the land office. A long platform was adopted. It was declared therein that the constitution, the Union and the laws must be preserved and maintained; that rebellion against them must be suppressed; that the war was only for the purpose of suppressing the rebellion and vindicating the constitution and the laws; that the doctrine of secession and abolition were alike false to the constitution and irreconcilable with the unity and peace of the country; that the suspension of the writ of habeas corpus was a menace to civil liberty; that this is a government of white men, established exclusively for them, and negroes ought not to be admitted to political or social equality, and that the tariff bill recently passed by congress imposed unfair and unjust burdens upon those least able to bear them. The bravery of Iowa soldiers was extolled and sympathy extended to the families of those who had fallen in the struggle.

The Republican ticket was made up as follows: For secretary of state, James Wright; for auditor, Jonathan W. Cattell; for treasurer, William H. Holmes; for attorney-general, Charles C. Nourse; for register, Josiah A. Harvey. The platform set forth the principles that the constitution of the United States is the supreme law of the land; that, for the maintenance of the government in its hour of peril, it was the duty of every citizen to devote time, property and life; that the party abhorred all sympathizers with secession; that the confidence in the president of the United States was undiminished; that the valor of the soldiers of Iowa had earned for them the everlasting gratitude of the people of the state, and that Iowa stood ready to furnish her quota of troops in any call that might be made. In the convention were a number of men who had formerly acted with the Democratic party. They were welcomed in a resolution which quoted the words of Stephen A. Douglas: "There are only two sides to this question: Every man must be for the United States or against it. There can be no neutrality in this war—only patriots or traitors."

The legislature of 1862 had made provisions by which soldiers in the field could vote. At home 116,823 votes were cast, and at the front 18,989 by Iowa soldiers. Of this combined vote the Republican candidate for secretary of state received a majority of 25,874. The other candidates on the Republican ticket were

elected by substantially the same majority. All six of the representatives in congress chosen at this election were Republicans.

On the last day of January, 1863, the Sixth Iowa cavalry was mustered into the Federal service at Dubuque. D. S. Wilson was colonel, and S. M. Pollock, lieutenant colonel. Both were from the city of Dubuque. The three majors were T. H. Shepherd, of Iowa City; E. P. TenBroeck, of Clinton, and A. E. House, of Delhi. The regiment was employed on the frontier in the Indian campaigns until it was mustered out at Sioux City, October 17, 1865.

What is called the Fifth Iowa cavalry was made up of companies from Iowa, Minnesota, Missouri and Nebraska. William W. Lowe, of the regular army, was colonel of the regiment; M. T. Patrick, of Omaha, lieutenant-colonel; William Kelsey, Alfred B. Brackett and Carl Shaeffer de Bernstein, majors. The last named was a German baron.

The Seventh cavalry entered the service at Davenport on the 27th of April, 1863. The officers were S. W. Summers, of Ottumwa, colonel; John Pattee, of Iowa City, lieutenant-colonel; John S. Wood, of Ottumwa, H. H. Heath and G. M. O'Brien, of Dubuque, majors. This regiment was employed in the campaigns against the Indians.

When the companies of the Eighth cavalry met for the purpose of forming a regimental organization, it was found that nearly 2,000 men had been enrolled. Of this number 450 were turned over to the Ninth cavalry, then in process of formation. The first colonel of the Eighth cavalry was Joseph B. Orr, who had served as a lieutenant in the Twelfth infantry. H. G. Barner, of Sidney, was the lieutenant-colonel; John J. Bowen, of Hopkinton, J. D. Thompson, of Eldora, and A. J. Price, of Guttenberg, were the majors.

November 30, 1863, the Ninth cavalry was mustered in at Davenport. M. M. Trumbull, of Cedar Falls, was colonel; J. P. Knight, of Mitchell, lieutenant-colonel; E. T. Ensign, of Des Moines, Willis Drummond, of McGregor, and William Haddock, of Waterloo, majors. This was the last three years regiment recruited from Iowa, and most of its terms of service was spent in guard and garrison duty until mustered out at Little Rock, Ark., February 28, 1866.

In addition to the infantry and cavalry regiments enumerated, Iowa had four batteries of artillery in the service. The first battery of light artillery under Capt. C. H. Fletcher was organized at Burlington, August 17, 1861, and served till July, 1865. The

second battery, Capt. Nelson I. Spoor, was mustered in about the same time at Council Bluffs. In September, 1861, the Third battery, under the command of Capt. M. M. Hayden, entered the service at Dubuque. The Fourth battery was organized in November, 1863, and served till the close of the war, being most of the time in Louisiana. A regiment of Iowa colored troops under the command of Col. John G. Hudson, formerly captain of Company B in the Thirty-third Missouri, was organized in October, 1863.

Altogether Iowa furnished 78,059 volunteers during the Civil war. That they were good soldiers may be seen from the list of casualties reported. The number reported killed in action was 2,127; wounded 7,741; died of disease 9,465; captured by the enemy 4,573, and on that mysterious list, told in the one word "missing," 132. Thus it will be seen that more than one-fourth of Iowa's men suffered some of the contingencies of war.

At Fort Donelson the Second Iowa occupied the post of honor, and its gallant colonel, Samuel R. Curtis, was promoted to the rank of brigadier-general for bravery and the skillful handling of his forces. Ten Iowa regiments were in the thick of the fight at Shiloh, the Eighth and Twelfth being captured after ten hours of hard fighting. They were captured at the "Hornet's Nest," and were the only portion of the Federal line to hold its ground. After eight months in Confederate prisons the men were exchanged or paroled, and afterward became part of the "Union Brigade," made up of those who never surrendered. Not long after the battle of Shiloh the Eleventh, Thirteenth, Fifteenth and Sixteenth regiments were united in one brigade, and Marcellus M. Crocker, as ranking colonel, became the commander. November 29, 1862, he was commissioned brigadier-general, and his brigade was soon known all through the army as "Crocker's Iowa Brigade."

When Sherman started upon his famous march to the sea, it was the Ninth Iowa that cut the railroad connecting the army with the North and changed the "base of supplies" to the enemy's country. This regiment traveled more than four thousand miles and was in every Confederate state except Florida and Texas. It was the Tenth Iowa that turned the tide of battle at Champion's Hill, winning words of commendation from the commanding general, though half the regiment was reported among the killed, wounded and missing after the engagement. While other regiments very properly had emblazoned upon their battle flags the names of engagements in which they had participated, that of the

Tenth bore only the legend, "Tenth Iowa Veteran Volunteers;" but its deeds of valor are recorded in history and in the hearts of a grateful people.

At Columbia, S. C., in February, 1865, the flag of the Thirteenth Iowa was the first to float from the old state-house, and at Savannah it was the Sixteenth that struck the first blow at the enemy's works.

Seventeen Iowa regiments marched with Sherman from Atlanta to the sea. They were all in at the fall of Savannah, and afterward followed their victorious commander through the Carolinas to Richmond and Washington. More than half of Iowa's troops were at the fall of Vicksburg, and in one assault upon the Confederate works Sergeant Griffith and eleven men of the Twenty-second were the only ones to enter. Of these only the sergeant and one man returned.

Four colonels of Iowa regiments, Samuel R. Curtis, of the Second; Frederick Steele, of the Eighth; Frank J. Herron, of the Ninth, and Grenville M. Dodge, of the Fourth, rose to the rank of major-general; eighteen others were commissioned to wear the stars of the brigadier. From Wilson's Creek to Appomattox scarcely a field can be mentioned where Iowa troops were not present to render a good account of themselves. But, while the Iowa regiments were winning victories at the front, the state was not without its troubles at home. On the south the roving bands of guerrillas were a constant menace to the border counties, and all over the state the "copperheads," as the Confederate sympathizers were called, grew more open in their denunciations of the war and of those who favored its prosecution.

The hot bed of this sentiment was in Keokuk county. On Saturday, August 1, 1863, a meeting of these so-called "Copperheads" was held on English river near the town of South English. Among the speakers was a Baptist minister by the name of George C. Tally, who was particularly venomous in his arraignment of the national and state administrations. Fired by his incendiary utterances, the crowd started for South English with the avowed determination to "wipe it off the map." Such a demonstration was not unexpected, and the Union men of the town were ready to receive them. When they entered the town, wearing butternut colored clothing and decorated with butternut and copper pins, they were met with shouts of derision. The taunts were hurled back, and the oil and flame came together. In the melee which followed more than a hundred shots were fired. Tally, who was the acknowledged leader of the "Copperheads,"



fell at the first fire with several bullets in his body, and several others were wounded.

The invaders withdrew and went into camp in the western part of the county, where they began recruiting a force to avenge Tally's death. A committee of citizens, composed of Allen Hale, William Cochran and Thomas Moorman, asked the governor to send troops for the protection of the town, or at least a supply of arms to be distributed among the citizens in case of necessity. Governor Kirkwood sent forty stands of arms to the committee, in care of the sheriff of Washington county. At the same time he ordered James Adams, the sheriff of Keokuk county, to investigate and report, and to maintain the peace at all hazards.

By this time fully a thousand men had gathered at the "Copperhead" Camp. To guard against any general insurrection, the governor ordered the Muscatine Rangers, the Washington Provost Guards, the Brighton Guards, the Richland, Abington and Sigourney Home Guards, the Fairfield Union, the Fairfield Prairie Guards, the Libertyville Guards, and the Mount Pleasant infantry and artillery, to march to South English, there "to remain until notified by the sheriff of Keokuk county that they will be no longer needed." The command of these eleven companies was given to Captain Satterlee of the Muscatine Rangers. After remaining at South English for about two weeks, matters quieted down and the troops were withdrawn.

Provost Marshal Van Eaton, of Fremont county, was killed by a band of guerrillas going toward Nebraska. Captain Hoyt with a body of mounted men pursued the murderers to the Missouri river, but they made their escape. About nine o'clock in the evening on the 10th of November, 1863, the court-house at Sidney, Fremont county, was wrecked by an explosion. It was not known whether it was the work of guerrillas bent on robbery, or was done by interested parties to destroy the records. A meeting in Davis county passed resolutions to resist the draft, to drive negroes out of the state, to expel the whitemen who brought them in, or to "welcome them with bloody hands to hospitable graves." These and similar ebullitions kept Iowa in a state of turmoil during the summer and fall of 1863.

At the beginning of the political campaign of 1863, the constitutionality of the law permitting soldiers in the field to vote for state officers was called into question. A case was brought before Judge Isbell, of the Eighth judicial district, where it was held that the law conflicted with that provision of the constitution requiring sixty days residence in the county, and that all votes

cast outside the counties where the voters claimed residence were illegal and must be rejected. An appeal was taken to the supreme court, where this decision was reversed, and the act of 1862 was pronounced valid. As soon as this decision was reached, those who had opposed the operations of the law wrote letters to Generals Grant, Schofield and Rosecrans, asking whether the Iowa men in the several commands would be permitted to hold an untrammelled election; and whether one of the committee or a competent agent of the committee would be furnished safe conduct by the commanding officers, for the purpose of distributing ballots to the men and of exercising the right to challenge any vote offered at such elections, etc. Under date of August 4, General Grant replied from Vicksburg, as follows:

"L. G. Byington,

"Sir:—Your letter of the 6th of July asking if citizens of the State of Iowa will be allowed to visit this army, and distribute tickets when the election is held for soldiers to vote, &c., is just received. In reply I will state, that the loyal citizens of Northern states will be allowed to visit the troops from their State, at any time. Electioneering, or any course calculated to arouse discordant feeling, will be prohibited. The volunteer soldiers of this army will be allowed to hold an election, if the law gives them the right to vote; and no power shall prevent them from voting the ticket of their choice.

"I have the honor to be, very respectfully, your obedient servant,  
U. S. Grant, Major-General."

This letter was not regarded as particularly encouraging to the committee and the Iowa soldiers were left to hold their elections in their own way.

The offices to be filled at the election of 1863 were those of governor, lieutenant-governor, and supreme judge. June 17, the Republicans held a convention at Des Moines and nominated William M. Stone for governor; Enoch W. Eastman for lieutenant-governor, and John F. Dillon for judge of the supreme court. Governor Kirkwood's administration, during his two terms, was endorsed; the soldiers of Iowa were lauded for their bravery, the act of the legislature giving soldiers the opportunity to vote was approved; and the national administration was commended.

On July 8, the Democratic state convention met at the capitol and nominated the following ticket: For governor, Maturin L. Fisher; for lieutenant-governor, John F. Duncombe; for supreme

judge, Charles Mason. Shortly after the convention Fisher declined to make the race for governor, and the Central committee substituted the name of Gen. James M. Tuttle. In the platform it was declared that the will of the people is the foundation of all free government; that free speech and a free press are absolutely indispensable; that the people have the right to discuss all measures of government and to approve or disapprove as seems right; that these and all other rights guaranteed to the people by the constitution are of more value in time of war than in time of peace, and that these rights would not be calmly surrendered. War for the purpose of carrying out the emancipation proclamation was opposed, as was emancipation by compensating the slaveholders. The power of the president in suspending the writ of habeas corpus and declaring martial law in states where war did not actually exist, was declared unwarranted by the constitution.

At the election 122,610 votes were cast in the state and 19,695 in the army. Of this vote Stone, the Republican candidate, received 86,107 and Tuttle, Democrat, received 56,132. Stone's majority was 29,975, a few votes being returned as "scattering." The Republicans elected forty-two members of the state senate and eighty-seven members of the house of representatives, while the Democrats elected but two senators and five representatives. At the beginning of the legislative session in January, 1864, Governor Stone was inaugurated.

William Milo Stone, the sixth governor of the state of Iowa, was born in Jefferson county, N. Y., on the 14th of October, 1827. His opportunities for securing an education were limited, and at the age of sixteen he found employment as a driver on the Ohio canal. A year later he started in to learn the trade of chairmaker and worked at that business until he was twenty-three years old, devoting all his spare time to study. He read law with James Mathews of Coshocton, O., and in 1851 he formed a partnership with his preceptor, which lasted till 1854, when Stone removed to Knoxville, Ia., and the following year became the editor of the *Knoxville Journal*. Mathews also removed to Knoxville and the partnership was resumed till 1857, when Stone was elected judge of the eleventh district. He was a member of the convention that organized the Republican party in Iowa in 1856, and in 1860 was a delegate to the national convention, supporting Lincoln for the nomination of president. When the war broke out he enlisted as a private in Company B, Third Iowa infantry. In May, 1861, he was wounded at Blue Hills, Mo., and was captured at Shiloh while in command of the regiment.

When the Twenty-second regiment was organized, he was appointed colonel by Governor Kirkwood, and was again wounded at Vicksburg. He was elected governor in 1863 and re-elected in 1865. He was at Ford's theatre in Washington the night President Lincoln was assassinated, and was one of the pall-bearers that accompanied the president's body to Springfield, Ill. After retiring from the governor's office he formed a law partnership with his brother-in-law, O. B. Ayers, and practiced at Knoxville, till he became interested in mining operations in Arizona in 1880. He went back to Iowa in 1885, and was an elector on the presidential ticket in 1888. President Harrison appointed him commissioner of the land office, which position he held till 1893, when he went to Oklahoma City, and died there July 18, 1893.

At this session of the legislature there were passed bills authorizing the several counties of the state to levy a two mill tax for the relief of soldiers' families, and changing the legislative districts so the general assembly would be composed of forty-nine senators and ninety-eight representatives. An act providing for the opening of a land office at Fort Dodge to dispose of the agricultural college lands was also passed, and G. W. Bassett was appointed land agent.

During the spring and early part of summer, four more regiments of infantry were mustered into the service. The Forty-fourth, on the 1st of June, under Col. S. H. Henderson, was assigned to guard duty at Memphis and La Grange, Tenn. The Forty-fifth, May 25, under Col. A. J. Bereman, was also on garrison duty in Tennessee. The Forty-seventh, June 1, under Col. James P. Sanford was stationed most of the time of its service at Helena, Ark. The Forty-eighth, which was mustered in on the 13th of July, with O. H. P. Scott, lieutenant-colonel, in command, was assigned to the duty of guarding Confederate prisoners at Rock Island, Ill., until mustered out October 21.

Some of the men drafted from Poweshiek county failed to report for duty on the 1st of October, and the provost marshal sent Capt. John L. Bashore and J. M. Woodruff to arrest them and bring them in. About fourteen miles south of Grinnell the two officers were fired upon from ambush. Woodruff was instantly killed and Bashore mortally wounded, but he managed to wound one of the waylaying party, a man by the name of Gleason, who was left behind while the others fled. The provost marshal ordered out a company of militia at Grinnell. Bashore lived long enough to make a statement to the captain of this company as to what had taken place, and the man Gleason told who the parties were that had made the assault upon the officers.



Some time before this incident occurred a company of militia had been organized in Poweshiek county. Most of the members of this company lived in Sugar Creek township, where the outrage occurred. The company was known as the "Democrat Rangers," and Robert C. Carpenter was the captain. According to Gleason's story it was members of this pretended militia company that resisted the attempt to arrest the drafted men and committed the assault on Bashore and Woodruff. Governor Stone, on the 4th of October, furnished a list of the "Rangers" to Capt. W. R. Lewis and ordered him to take his company, arrest every man whose name appeared on the list, and to take up his arms and equipments. On the 6th the men were all under arrest at Grinnell. Governor Stone ordered the adjutant-general to go there and personally examine every man. All that he thought were guilty, and against whom there was evidence enough to secure conviction, were to be held for trial. The rest were to be discharged. Most of the men were liberated, several were held for trial and a few were convicted, but Captain Carpenter's company was completely broken up.

On the 12th of October a party of guerrillas wearing Federal uniforms and mounted on good horses crossed the southern border near the southeast corner of Davis county and began plundering the citizens. They first called upon Robert Gustin, from whom they took a good watch and one hundred and sixty dollars in money. From Thomas Miller they took one hundred and ten dollars; they broke William Downing's gun, and even robbed a small boy of his few pennies and a pocket knife. At Bloomfield the county fair was in progress. A messenger rode into the fair grounds with the news that the guerrillas were raiding the southern part of the county. Instantly people lost all interest in the fair. A company of men was quickly organized, and, at the suggestion of one of the citizens, was placed under the command of J. B. Weaver, late colonel of the Second Iowa. With his company of raw recruits, well mounted but indifferently armed, Colonel Weaver started in pursuit of the raiders. Ten miles west of Bloomfield the guerrillas killed a man named Hurdy, took his team and three hundred dollars. Here Weaver and his company struck the trail. The next outrage committed was the capture of Capt. Philip Bence, of the Thirtieth Iowa, who was at home on furlough, David Summerson, Joseph and William Hill and Andrew Tannehill. They carried their prisoners a few miles, when they compelled Captain Bence to take off his uniform and give it to them, after which he was shot to death. The balance

of the prisoners were released after losing all the money they possessed—about five hundred dollars. At midnight Colonel Weaver came to the place where Bence had been killed; and, learning that he was five hours behind the gang, which was headed for Missouri, where they doubtless knew every bridle path, he gave up the chase.

On June 7, the Republican party held a state convention at Des Moines and nominated the following candidates for state offices: For secretary of state, James Wright; for auditor, John A. Elliott; for treasurer, William H. Holmes; for attorney-general, Isaac L. Allen; for supreme judge, C. C. Cole; for register, J. A. Harvey. The platform was brief, the principal features being the endorsement of the work of the national convention as to platform and candidates and commending the Iowa soldiers and the women of the state for their patriotic labors.

On the 16th of the same month the Democrats met at the capital, nominated John H. Wallace for secretary of state; E. C. Hendershott for auditor; J. B. Lash for treasurer; Charles A. Dunbar for attorney-general; Thomas M. Monroe for supreme judge, and B. D. Holbrook for register. No resolutions were adopted by the convention, but on the 24th of August a "Peace Convention" met at Iowa City and promulgated the following:

"WHEREAS, We believe that there is indisputable evidence existing that the Union may be restored on the basis of the Federal constitution; and,

"WHEREAS, We further believe that a vigorous prosecution of this abolition war means the speedy bringing about of a division of the republic; and being ourselves in favor of a restored Union and against the acknowledgment of a Southern Confederacy therefore, be it

"*Resolved*, That the war now being prosecuted by the Lincoln administration is unconstitutional and oppressive, and is the prolific source of a multitude of usurpations, tyrannies and corruptions, to which no people can long submit, without becoming permanently enslaved.

"*Resolved*, That we are opposed to the further prosecution of the war, believing that the Union can be preserved in its integrity by the President agreeing to an armistice, and by calling a national convention of the sovereign States, to consider the terms upon which all the people may again live together in peace and harmony.

"*Resolved*, That believing war to be disunion, and desiring to stop the further flow of precious blood for a purpose so wicked as

disunion, we respectfully urge the President to postpone the draft for five hundred thousand men 'to be driven like bullocks to the slaughter' until the result of an armistice and national convention of States is known.

*"Resolved,* That in the coming election we will have a free ballot or a free fight.

*"Resolved,* That should Abraham Lincoln owe his re-election to the electoral votes of the seceded states under the application of the President's 'one-tenth' system and military dictation, and should he attempt to execute the duties of the President by virtue of such an election, it will become the solemn mission of the people to depose the usurper, or else be worthy the slavish degradation, which submission under such circumstances would seem to be their just desert.

*"Resolved,* That if the nominee of the Chicago convention is fairly elected, he must be inaugurated, let it cost what it may. . . .

*"Resolved,* That the African negro is not our equal in political or social sense; and that every usurping attempt, by Federal force, so to declare him, will meet with our determined resistance.

*"Resolved,* That the foregoing preamble and resolutions be submitted to our delegation to the Chicago convention, for their consideration."

At the election the combined citizen and soldier vote for president was one hundred and thirty-eight thousand six hundred and seventy-one. Lincoln received eighty-nine thousand and seventy-five, and McClellan forty-nine thousand five hundred and ninety-six. For secretary of state, Wright received ninety thousand and thirty-three and Wallace forty-nine thousand nine hundred and forty-three. All the Republican candidates for representatives in congress were elected.

The political campaign of 1865, in which a governor was to be elected, was a spirited one. Most of the Iowa volunteers had been discharged from the service and had returned to their homes in time to participate in the proceedings of the various party conventions. On June 14, the Republican convention met at Des Moines. Governor Stone was re-nominated and the rest of the ticket was made up as follows: For lieutenant-governor, Benjamin F. Gue; for superintendent of public instruction, Oran Faville; for supreme judge, George G. Wright.

The question that aroused the most discussion during the canvass was the extension of the right of suffrage to the negroes. In the Republican platform was a resolution declaring that, "with proper safeguards to the purity of the ballot-box, the elective fran-

chise should be based upon loyalty to the constitution of the Union, recognizing and affirming equality of all men before the law. Therefore we are in favor of amending the constitution of our State by striking out the word 'white' in the article of refuge." Further declarations in the platform recommended the permanent disfranchisement of Confederate leaders and the speedy trial and swift execution of the late Confederate president; extended confidence and support to Andrew Johnson; and favored debarring, by constitutional provision, every citizen of Iowa who left the state to serve in the Confederate army, or to avoid military service in the Union army.

The proposition to enfranchise the negroes of the state met with strenuous opposition. On the 23d of August a Soldiers' convention was held at Des Moines, and an organization which adopted the name of the "Union Anti-Negro Suffrage Party" was perfected. Gen. Thomas H. Benton was nominated for governor; Col. S. G. VanAnda for lieutenant-governor; H. H. Trimble for supreme judge and Capt J. W. Senate for superintendent of public instruction. The platform favored the Monroe doctrine; sustained the administration of President Johnson; recommended an amendment to the constitution of the United States abolishing slavery; advocated the ratification of the same by the Iowa legislature, and favored giving crippled soldiers and sailors the preference in making nominations for public office. On the subject of negro suffrage it was declared that, "We are opposed to negro suffrage or to striking of the word 'white' out of the article on suffrage in our State Constitution, and will support no candidate for office, either state or national, who is in favor of negro suffrage or of the equality of the white and black races."

On the same day that the soldiers' convention met, the Democrats also held a convention at the capital. No nominations were made, the candidates of the soldiers' convention being endorsed. However, they adopted resolutions endorsing President Johnson's reconstruction policy and the Monroe doctrine; denouncing the assassination of President Lincoln as "an act of unmitigated barbarism;" and declaring the attacks on General Sherman to be the "offspring of envy and fanaticism."

Stone received seventy thousand four hundred and forty-five votes and Benton fifty-four thousand and seventy. All the other candidates on the Republican ticket were elected by majorities varying but slightly from that of the governor. The legislature chosen at this election was also largely Republican, the senate



standing forty-three to five and the house eighty-three to fifteen in favor of that party.

A little while after the election the bar association of Lee county, in a meeting at Fort Madison, passed resolutions endorsing the president's reconstruction policy, a copy of which was sent to President Johnson. In his reply, addressed to Philip Viele, chairman, and J. H. Craig, secretary, the president said: "Carefully framed, and the formal expression of men whose profession has made them familiar with the laws and political institutions of the land, the resolutions cannot fail to have a salutary influence in upholding the great principles of our Government, so essential to our success as a nation."

The need of transportation facilities in Iowa was felt in the fall and winter of 1865, as never before. An abundant corn crop was produced that year, but for lack of some way to convey the surplus to market, the price was exceedingly low. At the same time the price of fire-wood went up to nearly ten dollars a cord in some localities. Under these circumstances thousands of bushels of corn were consumed as fuel. This anomalous condition stimulated the construction of railroads which should give Iowa an outlet for her food products in exchange for coal. During the year 1866 work on several east and west lines was pushed forward with great energy, no fewer than four of these lines being directed to Council Bluffs, to form a connection with the Union Pacific. In August the Des Moines Valley railroad, was completed, which gave the capital railway communication with Keokuk in the southeastern part of the state.

On January 8, 1866, the eleventh legislature met in regular session, and on the 11th Governor Stone was inaugurated for his second term. In his inaugural address the governor recommended the adoption of a constitutional amendment giving the right of suffrage to all classes regardless of color. Early in the session amendments striking out the word "white" in the constitution wherever it occurred as relating to the elective franchise, were proposed. United States Senator James Harlan had resigned his seat in the senate to become secretary of the interior under President Johnson, and ex-Gov. Samuel J. Kirkwood was elected to fill the remainder of the term, which expired March 4, 1867. For the full term beginning at that date and ending in 1873, Senator Harlan was re-elected.

A Republican state convention at which Col. Edward Wright was nominated for secretary of state; J. A. Elliott, for auditor; Maj. S. E. Rankin, for treasurer; F. E. Bissell, for attorney-

general; Col. Cyrus C. Carpenter, for register of the land office; E. H. Stiles, for reporter, and C. Linderman, for clerk of the supreme court, was held at Des Moines, on the 20th of June. (The offices of clerk and recorder of the supreme court were created by the act of March 30, 1866.)

Late in June a convention of citizens, calling themselves "Conservative Republicans," met at Des Moines and nominated the following ticket: For secretary of state, Col. S. G. Van Anda; for auditor, Capt. R. W. Cross; for treasurer, Gen. George A. Stone; for attorney-general, Capt. Webster Bolinger; for register of the land office, S. P. McKensie; for reporter, Capt. J. W. Senate, and for clerk of the supreme court, Lewis Kinzey.

The Democrats made no nominations at their convention, July 11, except Albert Stoddard for clerk, and Fred Gottschalk for reporter. For the other places the candidates of the Conservative Republicans were endorsed. All the platforms declared in favor of the vigorous enforcement of the Monroe doctrine and the equalization of bounties to soldiers. The Republicans approved the action of congress in submitting to the state legislatures the amendments to the Federal constitution; the Conservatives accepted them as settling the negro question, and the Democrats said nothing whatever on the subject. The Republican ticket was elected by about thirty-five thousand majority.

During the year 1867, another great stimulus was given to railroad building by the report of the state geologist, C. A. White, relative to the coal beds along the Des Moines valley and in other portions of the state. Congress appropriated seven million dollars for the improvement of the Mississippi at the Des Moines rapids near Keokuk, and three hundred thousand dollars for improvement at the Rock Island rapids between Davenport and LeClaire. The work of making the improvements was placed in charge of Gen. J. H. Wilson.

The year 1867 witnessed the erection of the first building of the agricultural college at Ames, and extensive improvements at the state university at Iowa City. The legislature of 1866 passed an act authorizing the erection of an asylum for the deaf and dumb at Council Bluffs, and in 1867 the commissioners selected a site, and entered into a contract for buildings for the institution, to cost three hundred and ten thousand dollars. Charitably inclined people had established an orphan's home for the children of soldiers at Davenport, and supported it by voluntary contributions. By an act of the general assembly of 1866 this institution was:

adopted by the state, and during the year 1867 more than one hundred thousand dollars was paid out of the state treasury for its improvement and support. These instances show that the people of Iowa were not behind those of other states, at the close of the war, in looking after the needs of the unfortunate, and advancing the interests of popular education.

The first gun of the political campaign of 1867 was fired on the 19th of June, when the Republican state convention met at Des Moines and nominated Col. Samuel Merrill for governor; Col. John Scott, for lieutenant-governor; Joseph M. Beck for supreme judge; Maj. Henry O'Connor, for attorney-general, and D. Franklin Wells for superintendent of public instruction. The convention adopted resolutions favoring the extension of the elective franchise to all men, "irrespective of color, race or religion," approving the reconstruction acts passed by congress; demanding the prompt trial and speedy punishment of Jefferson Davis, and recommending strict economy in the expenditure of public money.

On June 26th, the Democrats met in convention at Des Moines, and nominated the following ticket: For governor, Charles Mason; for lieutenant-governor, M. D. Harris; for supreme judge, John H. Craig; for attorney-general, W. T. Barker; for superintendent of public instruction, M. L. Fisher. The proposition to strike the word "white" from the constitution of the state was opposed; the repeal of the prohibitory law was demanded—a well-regulated license law to be submitted; a modification of the tariff was recommended, and the taxation of government bonds was favored.

During the campaign which followed these conventions, the question of prohibition became a prominent issue, and a "People's party" made up of those opposed to prohibition was organized. Merrill's vote for governor was ninety thousand two hundred; that of Mason, sixty-two thousand six hundred and ninety. The legislature of 1868, the members of which were chosen at this election, stood as follows: In the senate, thirty-nine Republicans, eight Democrats, two People's party; in the house, seventy-seven Republicans, sixteen Democrats, five People's party, and two Independents. This legislature met on the 13th of January, 1868, and, according to custom, Governor Merrill was inaugurated at the beginning of the term.

## CHAPTER V

## Administrations from Merrill to Gear

SAMUEL MERRILL, the seventh governor of the state of Iowa, was born at Turner, Oxford county, Me., August 7, 1812. He was brought up on his father's farm, receiving a brief academic training, and at the age of seventeen years began teaching in the common schools. In this work he was successful, and he afterward rose to be suprintendent of schools in Androscoggin county. In 1847 he went to Farnworth, N. H., and engaged in commercial pursuits. He was twice elected to a seat in the New Hampshire legislature, where he took part in the election of John P. Hale and James Bell to the United States senate at the time of the question of repealing the Missouri Compromise was prominent in national politics. He removed to Iowa in 1856, and followed the business of merchandising till the breaking out of the Civil war, when he entered the service as colonel of the Twenty-first Iowa infantry. At Hartsville, Mo., he was wounded, and his health failing, he resigned. When a pension was granted to him for his wounds, he donated the proceeds to a hospital for sick and disabled soldiers at Des Moines. As governor he held the plow that broke ground for the new capitol building, and as chairman of the building commission he successfully combated speculators and jobbers during the process of construction. During his administration he introduced several reforms in the penal and eleemosynary institutions of the state, one of which was to require public notice to be given of all applications for pardons, and the written opinion of the judge, district attorney and jurors who tried the case, as to the merits of the application. When he retired from the office in 1872, at the close of his second term, he engaged in banking until 1889,



when he removed to California. He died at Los Angeles, August 31, 1899.

While the legislature of 1868 was in session, several attempts were made to modify the prohibitory liquor law, but all were defeated. The amendment to strike the word "white" from the constitution of the state, as passed by the legislature of 1866, was concurred in by this assembly and submitted to the voters at the general election in October. A resolution asking that the right of suffrage be extended to the women of Iowa, was referred to the committee on constitutional amendments, but was never reported back by that committee.

As an instance of the strong sentiments that prevailed in Iowa, at that time, on questions growing out of the Civil war, take the following resolution which was adopted by both houses of this legislature by a strict party vote:

*"Resolved*, That the President of the United States, owing his election to the loyal people thereof, and committed, by repeated pledges prior to his election, to the maintenance of Republican principles, having deserted his loyal association, to which he was pledged in honor and good faith, and placed himself as a leader of the opposition, and champion of the interests of the party which so recently plunged the country into Civil war, has forfeited alike his good faith, and confidence of all loyal people, and ought to resign the office which he has perverted to thwart the restoration of the Union, and the interests of loyalty and good government; and, that, in his assault upon a soldier of the Republic he has given fresh offense to all the gallant soldiers of the country, and to the people who gratefully acknowledge the eminent services of the great captain of the war; and, therefore, that this General Assembly declares its unhesitating confidence in the honor and integrity of the soldier whom the President has assailed, and, when the loyal citizens of the United States shall select Gen. Ulysses S. Grant to bear the Republican standard once more in triumph into the national capital, the people of Iowa will rejoice in the opportunity to restore harmony to the Union by sending the loyal chief-tain into the White House, and Andrew Johnson into private life."

On the last day of March, Governor Merrill approved an act establishing a reform school for boys and girls under the age of eighteen years. No location was selected, but a temporary school was opened during the year by leasing White's Manual Labor Institute. The reform school was afterward established at Eldora.

In the political campaign of 1868, the paramount issue was the ratification or rejection of the amendment to the constitution giving the negroes the elective franchise. February 26, the Democratic state convention met at Des Moines. David Hammer was nominated for secretary of state; H. Dunlavy for auditor; L. McCarty for treasurer; J. E. Williamson, for attorney-general, and A. D. Anderson for register of the land office. In the platform it was declared that the currency which was good enough for the soldier, the widow and the orphan, was good enough for the bondholder; that national banks ought to be abolished; that American citizens in foreign countries ought to be protected; that the prohibitory law ought to be repealed, and that the reconstruction policy of congress was unconstitutional. On the question of negro suffrage it was "*Resolved*, That we are opposed to conferring the right of suffrage upon the negroes in Iowa, and we deny the right of the general government to interfere with the question of suffrage in any of the states of the Union."

The Republican convention, which also met at Des Moines, nominated all the old state officers for re-election; declared in favor of General Grant for president; approved the action of congress, and with regard to the constitutional amendments, said, "We are in favor of the proposed amendments to the constitution of the state, which will secure the rights of the ballot, the protection of the land, and equal justice to all men, irrespective of color, race, or election."

At the election on the 3d of November Grant received 120,399 votes for president and Seymour 70,040. The constitutional amendments were adopted by a vote of 105,384 to 81,119, and on the 8th of December, Governor Merrill issued a proclamation declaring them in full force and effect.

The year 1869 was one of general prosperity to Iowa, assessment rolls showed a large increase in the value of taxable property over preceding years. During the year the bonds issued in 1858 were all paid, and those of 1861, known as the "War and Defense fund bonds," went to a premium in the markets. At the close of the year a balance of nearly one hundred thousand dollars remained in the state treasury after all the current expenses of the state government had been provided for. The railroad mileage increased until there were about 1,600 miles in operation.

On July 14, the Democrats met in convention at Des Moines and nominated George Gillespie for governor; A. P. Richardson for lieutenant-governor; W. F. Brannan for judge of the supreme

court, and Edward Jaeger for superintendent of public instruction. Governor Merrill was nominated for re-election by the Republicans; Madison M. Walden for lieutenant-governor; John F. Dillon for supreme judge, and A. S. Kissell for superintendent. Neither of the platforms contained any declaration outside of the well-established party tenets, and failed to arouse a general interest in the canvass. The result was that a comparatively light vote was polled, Merrill receiving 97,243 votes to 57,257 for Gillespie.

On November 11, a convention of prominent men of the Northwest met at Dubuque to consider the question of constructing a ship canal from the Mississippi river to Lake Michigan by way of the Fox and Wisconsin rivers, in order to provide cheap transportation for the agricultural products of the states along the Upper Mississippi. Resolutions asking congress to give attention to the matter and if found feasible to make appropriations for the purpose of constructing such a canal, were adopted, but congress declined to act and nothing further came of the project.

On January 10, 1870, the thirteenth general assembly met at Des Moines, and continued in session until the 13th of April. A large number of bills and joint resolutions were passed. Among the more important ones were those modifying the prohibitory liquor law; creating a board of immigration; authorizing towns, townships and cities to aid in the construction of railroads, and taxing the gross earnings of the railroads in the state. As modified, the liquor law delegated to the several counties of the state the power to decide, by popular vote, whether the sale of such liquors as ale, wine and beer should be permitted within their own limits.

The board of immigration was to be made up of one member from each of the six congressional districts, the governor to be ex officio chairman of the board. Authority was given the board, by the provisions of the act, to send agents to the Eastern states and to Europe, to encourage immigration to Iowa; to maintain correspondence with persons and associations interested; to co-operate with the National board of immigration, and to secure the publication, in eastern journals, of articles describing the resources of the state. The first meeting of the board was on the 6th of April. Soon after that the co-operation of the railroads was secured, some of the principal companies agreeing to pay all the cost of printing and distributing pamphlets and the expenses of agents sent east to encourage immigration. The result of this movement was a large influx of population, adding to the wealth and prosperity of Iowa.

The act for the taxation of railroads provided that each railroad company owning or operating a road in the state should file a statement of its gross earnings with the state treasurer by the 15th of February each year, and that on the 1st of March taxes should become due on said gross earnings as follows: On the first three thousand dollars or less, per mile, one per cent; from three thousand dollars to six thousand dollars per mile, two per cent, and on six thousand dollars per mile and upward, three per cent. In the case of the act allowing towns and cities to aid in building railroads, the right of local officials to levy taxes for such purpose was disputed in several localities and the courts were asked to grant an injunction to prevent it. But both the district and supreme courts held that the law was valid and refused the injunction.

On January 20, James B. Howell, of Keokuk, was elected to the United States senate for the unexpired term ending March 4, 1871, the vacancy being caused by the death of James W. Grimes. At the same time George G. Wright of Des Moines was elected for the full term beginning on the 4th of March, 1871, and ending in 1877.

By an act approved April 7, William H. Seevers, of Mahaska county, John C. Polley, of Clinton county, and William J. Knight of Dubuque county, were appointed commissioners to revise and codify the laws. Their work was not to begin until after the election of 1870, and not then if a constitutional convention was ordered. They were to make reports to the governor from time to time and were given until July, 1871, to complete the revision.\*

The political campaign of 1870 was short and without special interest. No nominations were made till August. On the 10th of that month, the Democrats met in convention at the capital and nominated Charles Doerr for secretary of state; W. W. Garner for auditor; W. C. James for treasurer; H. M. Martin for attorney-general; D. F. Ellsworth for register; C. H. Bane for reporter; William McLennan for clerk; J. C. Knapp, P. H. Smythe and Reuben Noble for supreme judges.\*\* A week later the Republicans met at the same place and named the following ticket: Edward Wright, secretary; John Russell, auditor; S. E. Rankin, treasurer; Aaron Brown, register; Henry O'Conner, attorney-general; E. H. Stiles, reporter; Charles Linderman, clerk;

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\* The final report of this commission was made to the adjourned session of the general assembly in 1873.

\*\* The election of three supreme judges was rendered necessary this year by the death of Judge Wright, and the resignation of Judge Dillon.



Chester C. Cole, William E. Miller and James G. Day, supreme judges. As in the previous year the platforms were void of any declarations calculated to arouse enthusiasm, though a fairly heavy vote was cast on election day. The entire Republican ticket was elected, Wright, for secretary of state, receiving 101,938 votes to 60,505 for Doerr. A proposition for a constitutional convention was voted on at this election, and defeated by a majority of 58,193.

During the year 1871 great progress was made in railroad building. The first road across the state from the Mississippi to the Missouri was completed and altogether nearly a thousand miles were finished within the year.

On the 6th of April, 1868, the legislature passed an act directing the "Census Board" to have plans and specifications made for a new capitol. The board employed Cochran and Piquenard of Springfield, Ill., to prepare plans, and on the last day of the session of 1870 the assembly created a board of capitol building commissioners, and appropriated one hundred and fifty thousand dollars to begin the new structure. The foundation was begun in 1870, and on the 22nd of November, 1871, the corner stone was laid with appropriate ceremonies. This stone was chiseled from a huge boulder in Buchanan county. It is three feet square and seven feet long.

Although a governor was to be elected in 1871, the canvass was another listless affair. The lack of important issues and the almost certain election of the Republican candidates were the principal reasons for the lack of interest. The Democrats met, June 14, and nominated J. C. Knapp for governor; M. M. Hamm for lieutenant-governor; John F. Duncombe for supreme judge, and Edward M. Mumm for superintendent of public instruction.

Just a week later the Republicans met at Des Moines and made the following nominations: For governor, Cyrus C. Carpenter; for lieutenant-governor, H. C. Bulis; for supreme judge, James G. Day; for superintendent, Alonzo Abernethy. The Republican candidates were all elected by majorities of more than 40,000.

Cyrus Clay Carpenter, Iowa's eighth governor after admission into the Union, was born at Harford, Susquehanna county, Pa., November 24, 1829. He was left an orphan at the age of eleven years, and in consequence his education was neglected. But he managed to pick up a knowledge of the common school branches sufficient to enable him to engage in teaching. In 1852 he started west, teaching for awhile in Licking county, O., and in 1854 reached Des Moines. For a time he was employed with the gov-

ernment surveyors, and later opened a land agency, buying and selling on commission, paying taxes for non-residents, etc. In 1858 he was elected to the Iowa legislature, and at the beginning of the war enlisted as a private. He soon rose to the rank of captain and later of lieutenant-colonel of his regiment. As brevet colonel he served on the staffs of Generals Dodge, Logan, Thomas and Rosecrans. He served two terms as governor of Iowa, being re-elected in 1873. While he was governor, the celebrated "Granger cases," instituted to decide the power of the state to control railroads, came up in the United States courts on appeal from Iowa. The legislature appropriated ten thousand dollars to carry on the litigation, but Governor Carpenter used only about two thousand dollars and secured a decision in favor of the state. At the close of his second term he entered the United States treasury department as second comptroller, but resigned to accept a place on the first board of railroad commissioners in Iowa. He afterward served in congress and the state legislature and died at Fort Dodge May 29, 1898, his last days being spent on a farm near that city.

The regular session of the fourteenth legislative assembly began on the eighth of January, 1872. In the senate were 42 Republicans and 8 Democrats, and in the house 78 Republicans and 22 Democrats. Much of the time was taken up with the discussion of bills relating to the sale of intoxicating liquors and the taxation and regulation of railroads. Measures to prohibit entirely the sale, manufacture, or ownership of liquors, and to license their sale were defeated. An act providing that permits to sell liquors whenever the applicant for such permit should present to the court a certificate signed by a majority of the legal voters in the township, ward, or city in which they desired to conduct the business, and give a bond of three thousand dollars that he would comply with all the requirements of the law, was finally passed. For the first violation a fine of one hundred dollars was imposed, and for a second the permit was to be revoked.

After a protracted debate an act making it the duty of the Census Board to assess all railroad property used in the operation of the roads on the first Monday in March, in each year, was passed. This assessment was to be based upon statements furnished by the officers of each railroad company, on or before the fifteenth of February preceding, which statements were required to show the number of miles operated by the company within the state, the mileage in each county, a detailed description of rolling stock, and the gross earnings within the state limits. The board

was then required to determine the actual value of the railroad property, and such property was to be subject to taxation the same as that of individuals.

Acts authorizing the council of any incorporated town or city to raise and appropriate money to establish and maintain free libraries, abolishing capital punishment, and providing for another penitentiary to be located near the stone quarries at Anamosa in Jones county, were passed. While the assembly was in session, it was learned that the foundation of the new capitol was defective, and on the tenth of April an act reorganizing the board of commissioners, was passed. The new board consisted of the governor, who was chairman *ex-officio*, John G. Foote, of Burlington; Maturin L. Fisher, of Farmersburg; Peter A. Dey, and R. S. Finkbine, of Iowa City. One of the first acts of the new commissioners was to reconstruct the foundation at a cost of about fifty-two thousand dollars. By the provisions of the act reorganizing the board, the cost of the building was limited to one million five hundred thousand dollars. William B. Allison was elected to succeed James Harlan in the United States senate for the term beginning March 4, 1873; the state was divided into nine congressional districts, and was also redistricted for state senators and representatives. On April 23, the assembly adjourned to meet January 15, 1873.

An early convention to select twenty-two delegates to the National convention was held by the Republicans. General Grant's administration was endorsed, and the delegates were instructed to vote for his renomination. April 23, a mass convention of Liberal Republicans to select delegates to the convention at Cincinnati was held at Davenport. The renomination of Grant was opposed, and the one-term principle for the office of president was endorsed. On the eleventh of June the Democrats selected delegates to the National convention of that party at Baltimore. The delegates were instructed to vote for the endorsement of the Liberal Republican platform and candidates for president and vice-president.

On August 1, the Democrats and Liberal Republicans held conventions in Des Moines to nominate candidates for state offices. Each convention appointed members of a conference committee to agree upon a ticket. This committee selected E. A. Guilbert for secretary; J. P. Cassody for auditor; M. J. Rohlf's for treasurer; A. G. Case for attorney-general, and Jacob Butler for registrar. Both conventions ratified the work of the conference committee and pledged support to the candidates thus nominated. No

platform was adopted, but the convention approved the action of the Baltimore convention in nominating Horace Greeley for president and B. Gratz Brown for vice-president.

There were, however, a number of Democrats who did not agree with the work of the convention in forming a coalition with the Liberal Republicans and endorsing Greeley and Brown. These held a convention at Des Moines on the 18th of September and nominated what they termed a "straight Democratic ticket" as follows: For secretary of state, T. S. Parvin; for auditor, J. P. Cassody; for treasurer, D. B. Beers; for attorney-general, A. G. Case; for register, David Steward. The platform set forth that "the coalition of office-hunters at Cincinnati and Baltimore, whereby Horace Greeley, a life-long, mischievous, and unchanged Republican, was presented as Democratic candidate for presidency, merits the condemnation of every honest elector, and we repudiate the same on behalf of the unpurchasable Democracy of the state of Iowa." The nominees of the Louisville convention—O'Connor and Adams—were endorsed, and the withdrawal of Greeley was demanded. T. S. Parvin declined to make the race for secretary of state, and the name of Charles Baker was substituted by the executive committee.

The Republican convention met on the 21st of August at Des Moines. For secretary of state Josiah T. Young was nominated; for auditor, John Russell; for treasurer, William Christy; for attorney-general, M. E. Cutts; for register of the land office, Aaron Brown. A platform in which the work of the National convention was approved, was adopted; strict economy in administering the affairs of both state and nation was demanded; all further grants of land to railroad or other corporations were opposed, and the nominees of the convention were recommended to the people for support. Grant received 202,762 votes at the election, to 131,566 cast for Greeley.

The principal work of the adjourned session of the legislature, which met on the 15th of January, 1873, was the consideration of the work of the code commission and the adoption of the revised code of laws. While it was in session, however, the rumor became current that Maj. S. E. Rankin, the state treasurer, was a defaulter of the funds of the agricultural college. Before an investigation had been ordered, Major Rankin sent the following communication to Lieut. Gov. H. C. Bulis as presiding officer of the senate.

"Sir:—Public rumor has already informed you that the undersigned, who for the last five years was treasurer of the Agricult-



ural College board, failed at the annual settlement in December last to account for a balance of \$37,393.79 then in his hands.

"Painful to me as is this fact, both because of the wrong in itself on my part, and because of the present embarrassment caused to the college, yet duty demands from me a public and unequivocal acknowledgment of the wrong and a statement of the facts connected therewith, both of which I hereby make.

"To secure the college board the amount of my deficiency, I have assigned to them all the available property I have in the world, only retaining my household effects and necessary personal property and family clothing, and hope and believe that it is ample to pay them to the last cent.

"As treasurer of the college board, it was my duty to hold their funds subject to their order, and during the five years that I was their treasurer, their orders were paid promptly upon presentation except for a short time prior to the close of my term.

"A few years ago, when times were good and money easy to obtain on loan, I invested my means in lands and other property, and in business, and borrowed money for the same purpose, and in some cases bought partly on time. Some of these investments did not prove profitable, and especially the business in which I had invested the largest amount, but as money was comparatively easy to get, I had no difficulty in procuring extension of time on my notes as they became due. I held on to my property, believing that in a short time I could dispose of it at a profit. But within the last six months times changed, business became dull and money scarce. Those to whom I was indebted needed their money and required payment, and relying in part upon promises made to me of money to borrow, and in part upon the belief that I could obtain the money by sale or mortgage of my property before it would be needed by the college, I used of their funds.

"This was my error. I made no attempt to either justify or palliate it. I should have allowed myself to be driven into bankruptcy rather than to have used the college funds. But that I had any intention of wronging the college out of one dollar of their money I most earnestly and emphatically deny.

"The statements made in some of the public journals, charging me with giving this money to others, to speculate upon, is wholly false. Not one dollar of the money was loaned, or given, directly or indirectly, to either personal or political friend or enemy, but was expended as hereinbefore stated.

"As I have already done all in my power to secure the college against loss, I now wish to meet, and, as far as I am able, satisfy

any inquiry that is of interest to the General Assembly; and with that end in view, I address you this memorial, asking that the General Assembly make such an investigation of this matter as they may deem best, and as will show the exact truth.

“Very Respectfully,  
SAMUEL E. RANKIN.”

This communication was received on the 15th of January. On the same day a committee of investigation, consisting of Senators John Shane and J. L. McCormack, and Representatives James L. Williams, Fred O'Donnell, and William C. Evans, was appointed. The committee was given power to call and examine witnesses, send for books, papers, etc. The investigation began at once and proceeded without interruption for a few days, but on the 23d the committee made a practical report to the effect that Mr. Rankin refused to answer the questions propounded by the committee. Governor Carpenter, ex-Governor Merrill, the trustees of the college, and a number of other witnesses were examined.

On February 8, the committee reported that Major Rankin had first been elected treasurer of the college board in January, 1869; that he had been re-elected in January and December, 1870, and again in December, 1871. No bond had been required of him until March, 1870, and after his election in December, 1870, no bond was required. His delinquency, which began in 1869, was known to some, if not all, of the college trustees prior to his last election as treasurer of the board, and he was then elected with the express understanding that he was to execute a bond covering all arrears. Failing to execute this bond he was asked to resign, and Dr. John F. Ely, of Cedar Rapids, was elected treasurer. In 1869 Governor Merrill, who was an ex-officio member of the board, urged the president and secretary of the board to look after the bonds of the officers. But the matter was neglected and on January 25, 1871, the college treasury was empty, and Rankin was paying college orders out of the state funds. After Rankin had resigned and Doctor Ely had been elected, a committee from the board of trustees settled with Rankin, at which time he assigned his property to the board, and executed the following obligation, which was taken by the committee under the advice of the governor and attorney-general.

“December 14, 1872.

“Due on settlement to the Trustees of the Iowa State Agricultural College and Farm the sum of \$38,301.46, with interest thereon at the rate of seven per cent per annum from date until paid, the above amount being the balance in my possession as

treasurer of said institution at my settlement made with said trustees this day. Payable at Des Moines, Iowa.

"SAMUEL E. RANKIN."

The investigation also disclosed the fact that the last time Rankin was elected less than half the trustees were present. No recommendations were made by the committee as to proceedings against the defaulting treasurer, but the board of trustees were severely criticised for its careless methods of doing business, and legislation was recommended that would reform the methods then in vogue.

In January, 1873, a state convention of the Patrons of Husbandry (better known as the Grange), met at Des Moines and continued in session five days. A constitution for the government of the State and subordinate Granges was adopted. It was set forth therein that, "It shall be lawful for subordinate Granges to form themselves into associations to be called Councils, for the purpose of facilitating the transaction of business of buying, selling, and shipping and for such other purposes as may seem for the good of the Order."

For some time dissatisfaction had been prevalent among the farmers of the state because of the rates charged by railroad companies for transporting the products of their farms to markets. This discontent finally led to the organization of the "grangers." This order had its origin in Iowa, but it soon spread to the West and Northwest, and even to some of the Eastern and Southern states. The avowed purposes of the organization were to secure relief from what they considered extortionate freight rates on railroads, to oppose class legislation, and to do away with what they termed the "Middleman"—that is the jobber and the retailer—and buy direct from the manufacturer. They denied all intentions of organizing a separate political party, but frankly acknowledged that it was their aim to elect men to the legislature who would work for the enactment of laws giving the relief demanded. The convention at Des Moines gave some idea of the strength of the order in Iowa, and the political leaders saw the necessity of conciliating the "granger" vote. Among the resolutions adopted by the Republican state convention on the 25th of June, were the following:

"That we insist upon the right and duty of the state to control every franchise of whatever kind it grants; and while we do not wish that any injustice shall be done to the individual or corporation who invests capital or industry in enterprises of this kind, we yet demand that no franchise be granted which is prejudicial

to the public interests, or in which the rights and interests of the state and the people are not carefully and fully guarded.

"That the producing, commercial and industrial interests of the country should have the best and cheapest modes of transportation possible; and while actual capital invested in such means of transit, whether by railroad or otherwise, should be permitted the right of reasonable remuneration, an abuse in their management, excessive rates, oppressive discrimination against localities, persons, or interests, should be corrected by law, and we demand congressional and legislative enactments that will control and regulate the railroads of the country, and give to the people fair rates of transportation, and protect them against existing abuses."

After adopting this platform the convention re-nominated C. C. Carpenter for governor; Joseph Dysart for lieutenant-governor; Joseph M. Beck for supreme judge, and Alonzo Abernethy for superintendent of public instruction.

No ticket was placed in the field by the Democratic party, but a convention of what was known as the "Anti-Monopolists" was held at Des Moines on the 13th of August. John G. Vale was nominated for governor; Fred O'Donnell for lieutenant-governor; Benton J. Hall for supreme judge, and D. W. Prindle for superintendent. In the preamble to the platform it was asserted that "Political parties are formed to meet public emergencies, and, when they have discharged the duties which called them into being they may become the means of abuses as gross as those they were organized to reform." On the question of corporations it was declared "That all corporations are subject to legislative control; that those created by Congress should be restricted and controlled by Congress; that those under state laws should be subject to the control, respectively, of the States creating them; that such legislative control should be in express abrogation of the theory of the inalienable nature of chartered rights, and that it should be at all times so used to prevent moneyed corporations from becoming engines of oppression." It was also declared that corporate property should be assessed by the same officers and taxed at the same rate as the property of individuals; that the legislature of Iowa should fix a maximum freight rate to be charged by the railroads of the state; that the tariff laws ought to be revised, placing salt, iron, lumber, cotton and woolen goods on the free list; that all public officers who betray their trust should be punished as criminals, and that the banking system of the country should be modified so as to extend its benefit to the whole people.



The election occurred October 14, and resulted in the election of the Republican ticket by majorities varying from 25,510 to 45,693. For governor Carpenter received 105,143 and Vale 82,578. The "Anti-Monopolists" devoted most of their attention to members of the legislature. As a result of their strenuous efforts in this direction the Republican majority in the house was reduced to two. Owing to several senators' holding over, the senate stood 33 Republicans to 17 of the combined opposition.

When this legislature met at Des Moines on the eleventh of January, 1874, a spirited contest was at once begun for the election of a speaker, the opposing candidates being John H. Gear and J. W. Dixon. Altogether one hundred and forty ballots were taken, each being a tie until the last, when Dixon's backers gave up and Gear was elected. This contest delayed the canvass of the votes cast at the preceding election, and the inauguration of Governor Carpenter, until the twenty-fourth of the month.

As soon as the house was organized they passed resolutions asking the committee on railroads to report bills regulating freight and passenger rates; prohibiting railroad companies from holding idle lands in the state or watering their stock, and forbidding railroad companies to issue passes, or to give special rates to members of the legislature, state officers, or judges of the supreme or district courts.

March 23, a bill regulating railroad rates was passed. The roads were divided into three classes: Those earning four thousand dollars or more per mile annually constituted the first class; those earning from three thousand to four thousand dollars per mile, the second class, and all earning less than three thousand dollars per mile, the third class. Passenger rates were fixed at three cents a mile on first-class roads; three and a half cents on those of the second class, and four cents on those of the third class. A long schedule of freight rates was incorporated in the bill. Merchandise was divided into four classes and other products into twelve classes. Rates were established on one hundred pound shipments from one mile upward, and also on car loads. Every railroad was required to keep copies of these schedules posted in all their freight and passenger offices, and to make annual statements to the governor of their gross earnings, upon which the executive council, composed of the governor, secretary, auditor, and treasurer of state, were to classify the roads according to the provisions of the bill. Agents of railroad companies violating any of the provisions of the act were liable to a fine of one hundred dollars or imprisonment not exceeding thirty days.

An appropriation of ten thousand dollars to be employed in hiring counsel to prosecute violaters, or defend cases on appeal, was made.

A committee was appointed to investigate the affairs of the agricultural college; but, after examining a large number of witnesses without unearthing anything of a serious nature, the investigation was discontinued.

In the campaign of 1874 all the opponents of the Republican party united under the name of Anti-Monopolists, and held a convention at Des Moines on the twenty-fourth of June. David Morgan was nominated for secretary of state; J. M. King for auditor; J. M. Barnes for treasurer; J. H. Keatley for attorney-general; George W. Ball for clerk of the supreme court, and J. M. Weart for reporter of the supreme court. The platform dealt largely in generalities. President Grant's policy in certain states was denounced as "a criminal exercise of constitutional power." A tariff for revenue and the payment of the government bonds according to the law under which they were issued, were demanded. On the question of railroads it was declared that "We demand such constitutional and necessary legislation upon this subject, both state and national, as will effectually secure the industrial and producing interests of the country against all forms of corporate monopoly and extortion, and that the existing railroad legislation of this state should be faithfully enforced, until experience may have demonstrated the propriety and justice of its modification."

On July 1, the Republican convention met at Des Moines and named the following ticket: For secretary, Josiah T. Young; for auditor, Buren R. Sherman; for treasurer, William Christy; for register, David Secor; for attorney-general, M. E. Cutts; for clerk of the supreme court, E. J. Holmes; for reporter, John S. Runnells. The convention adopted resolutions asking legislation that would make banking free to all; favoring the resumption of specie payments; recommending the election of president and vice-president by popular vote, and advocating a modification of the patent laws to prevent a monopoly of certain inventions. It was also declared that "the State has the power, and it is its duty to provide by law for the regulation within its own limits, and we demand that the law of this State, passed for this purpose at the last session of the General Assembly, shall be upheld and enforced until it shall be superseded by other legislation, or held unconstitutional by the proper judicial tribunal." At the election, on the 13th of October, Young received 107,243 votes and

Morgan 79,060. Of the nine congressmen the Republicans elected eight, the Anti-Monopolists carrying the Third district.

In the campaign of 1875 the Democratic central committee issued a call for a convention to meet at Des Moines on the twenty-fourth of June, and invited all Liberal Republicans and Anti-Monopolists to unite with them in the nomination of a ticket. The convention met and carried out the programme by nominating Shepherd Leffler for governor; E. B. Woodward for lieutenant-governor; W. J. Knight for supreme judge. A platform in which was demanded absolute prohibition of military interference with local state elections was adopted; honesty in the administration of public office was urged; the reservation of public lands for actual settlers was recommended; the restoration of the president's salary to twenty-five thousand dollars and no third term were advocated; a tariff for revenue was demanded; the resumption of specie payment was requested; and the repeal of the prohibition liquor law, substituting therefor a well regulated license system, was recommended.

A few days later (June 29) a State Temperance convention was held at the capital. No candidates were nominated, but a series of resolutions in which the position of the convention of the twenty-fourth on the liquor question was denounced and the Republicans urged to incorporate a prohibitory plank in their platform was adopted. It was declared that the Republican party of Iowa was organized on a great moral issue and had been sustained by the moral sentiment of the state, and that the party owed it to that moral sentiment to take a high position on all moral questions, to maintain prohibition in the party platform, and to nominate candidates who would enact and enforce laws to secure the suppression of the liquor traffic. After adopting these resolutions the conference adjourned to await the action of the Republican convention, which met on the following day. A resolution declaring in favor of prohibition was lost in the convention. The ticket nominated by the Republicans was as follows: For governor, Samuel J. Kirkwood; for lieutenant-governor, Joshua G. Newbold; for supreme judge, Austin Adams; for superintendent of public instruction, Alonzo Abernethy. The declarations of the platform were for a gradual return to specie payment; for a tariff for revenue, but so adjusted as to favor home industry; for no further grants of land to railroads or other corporations; for no third term for the presidency; for no division of the school fund, and for the subjection of all railway and other corporations to legislative control. Upon the failure of the

Republicans to adopt a resolution favorable to prohibition, the temperance convention again met and issued the following pronouncement:

"WHEREAS, The traffic in, and use of, intoxicating liquors, as a beverage, is the greatest evil of the present age; and,

"WHEREAS, The legal prohibition of said traffic and use of liquors is the prime duty of those who frame and execute laws for the public welfare; and,

"WHEREAS, The existing political parties, in their state platforms, have either ignored or repudiated the foregoing principles, the one declaring for license, the other refusing to pass a resolution opposed to the repeal of the existing prohibitory law of our State; therefore,

"*Resolved*, That the temperance people of Iowa are, by this action of these political parties, forced to seek the promotion of their objects by such organizations and combinations as may prove most effective for the success of the temperance cause, without reference to previous political affiliation.

"*Resolved*, That we earnestly recommend that the temperance people of the several counties promptly form county organizations, looking to the election of such representatives in our Legislature, and such officers as will enact and enforce laws for the promotion of the foregoing principles, leaving the question of calling a convention for the nomination of State officers and of further organizing to an executive committee to be elected by this convention." Later the executive committee nominated Rev. John H. Lozier for governor; he was the only candidate placed in the field by the temperance advocates.

The election on October 12, demonstrated that Governor Kirkwood was still popular with the people of Iowa. He received one hundred and twenty-five thousand and fifty-eight votes to ninety-three thousand two hundred and seventy-nine for Leffler and thirteen hundred and ninety-seven for Lozier, his majority over both his opponents being thirty thousand three hundred and eighty-two.

The State Grange of the Patrons of Husbandry met at Des Moines on the 14th of December and remained in session five days. Among the demands made by the order at this meeting was one asking for the enactment of a law requiring banks to deposit with the auditor of state first mortgages upon Iowa real estate to secure their depositors.

On January 10, 1876, the sixteenth general assembly was convened, and on the 11th, Samuel J. Kirkwood was for a third



time inaugurated governor of Iowa. A few days later he was elected to the United States senate for the term beginning March 4, 1877. During the session several efforts were made to repeal the railroad legislation of the previous assembly. Those in favor of the repeal insisted that the law had driven several of the railroads of the State into bankruptcy, and that it was not proving beneficial to the interests of the people in whose behalf it had been enacted. On the other hand it was argued that the bankruptcy of the roads referred to was due to bad management and not to any evil effects of the law. They finally passed an act on the 17th of March, relieving certain companies of penalties incurred on condition that said companies would enter into an agreement to comply with the law for two years, unless it should sooner be repealed or decided constitutional. A committee appointed by the senate to investigate the workings of the railroad law, made a report in favor of retaining the law upon the statute books. The report said, in part:

"While some of the railroads have complied with the law, others have refused to obey it and are fighting it step by step through the courts to the highest judicial tribunal in the land; the courts below have affirmed the constitutionality of its provisions and we anticipate a similar decision from the United States Supreme Court. This we regard as one great point in favor of the law. We find the law has reduced rates largely; has wiped out the unjust discriminations and extortions that existed throughout the state prior to its passage; it has opened up markets within the state for our products, facilitated the interchange of commodities at home, fostered the building up of manufactories at different points, aided the developments of our agricultural resources, and is operating largely in favor of Iowa and Iowa people. Not a petition for repeal from our constituents has reached us, and we believe our people are content with the law and desire to have it thoroughly tested."

An appropriation of twenty thousand dollars for the purpose of collecting and exhibiting at the Centennial Exposition at Philadelphia, specimens and products illustrative of the resources of Iowa was made by this assembly. All articles to be exhibited were to be donated by the people of the state, the appropriation being to cover the cost of care, arrangement and transportation of the exhibit. The governor was authorized to appoint a manager who was expected to employ a sufficient number of assistants, but the expenses were to be kept within the limit of the appropriation.

Upon the election of Governor Kirkwood to the senate of the United States, Lieutenant-Governor Newbold, became the tenth governor of the state of Iowa. Joshua G. Newbold was born in Fayette county, Pa., May 12, 1830. His education was obtained chiefly in the common schools. In 1854 he went to Iowa and settled at Hillsboro in Henry county, where he engaged in the mercantile business. He was nominated and elected lieutenant-governor in 1875 as already stated. At the close of his term in 1878, he removed to Mount Pleasant, and again took up a commercial life. In 1901 he was elected mayor of Mount Pleasant.

A Democratic convention met at Des Moines on the 17th of May and selected delegates to the national convention. No nominations were made, but a platform in which was the following declaration, was adopted: "Inasmuch as gold is the recognized standard of values throughout the world, and furnishes the basis for general trade and commerce, we favor an early return to specie payment. . . . at the same time we believe that a forced and sudden resumption of specie payment, such as is contemplated by the so-called 'Sherman resumption act of 1875' will cause widespread disaster and ruin to our business interests, has had and is now having a blighting effect upon all industry, and, being one of the many financial blunders of the Republican party, should be at once repealed." A second convention of the same party met August 30, and named the following candidates for state officers: Secretary of state, J. H. Stubenrauch; auditor, William Groneweg; treasurer, Wesley Jones; attorney-general, J. C. Cook; supreme judges, Walter I. Hayes and William Graham; register, N. C. Ridenour. The platform of the national convention, and the nominations of Tilden and Hendricks for president and vice-president were approved.

The Republicans held only one convention, which met at Des Moines on the last day of May. Delegates to the national convention were chosen, and candidates for presidential electors and state officers were nominated. The state ticket was as follows: For secretary of state, Josiah T. Young; auditor, Buren R. Sherman; treasurer, George W. Bemis; register of the land office, David Secor; attorney-general, J. F. McJunkin; supreme judges, W. H. Seevers and J. H. Rothrock; superintendent of public instruction, C. W. Von Coelln. The principal features of the platform were the endorsement of James G. Blaine for the presidency; the denunciation of the Democratic majority in the national house of representatives, and the demand that all railway and other corporations be held in fair and just subjection to the law-making power.

A Greenback ticket was nominated by a convention on the 20th of September. A. McCready was the nominee for secretary of state; Leonard Brown for auditor; George C. Fry for treasurer; George M. Walker for register; J. A. Nash for superintendent of public instruction; Charles Negus and Oliver R. Jones for supreme judges. A convention of the same party had met on the 10th of May, selected delegates to the national Greenback convention, and adopted resolutions affirming that it was "the duty of the government to establish a monetary system based upon the faith and resources of the nation, in harmony with the genius of this government, and adapted to the demands of legitimate business." The immediate repeal of the resumption act was demanded, and it was recommended that the bonded debt of the country should be refunded into interchangeable registered bonds bearing a low rate of interest.

At the election on the 7th of November, the whole number of votes cast for president was two hundred and ninety-two thousand four hundred and fifty-three. Hayes received one hundred and seventy-one thousand three hundred and twenty-seven; Tilden one hundred and twelve thousand and ninety-nine, and Cooper, the Greenback candidate nine thousand and one. For secretary of state one hundred and seventy-two thousand one hundred and seventy-one were cast for Young; one hundred and twelve thousand one hundred and fifteen for Stubenrauch and nine thousand four hundred and thirty-six for McCready. All the other Republican candidates were elected.

On October 5, an Industrial Exposition intended to present the resources and industrial progress of the state, was opened at Des Moines. It was held under the auspices of an association, organized for the purpose in 1875. About one hundred thousand dollars was raised by the association, and a building was erected to accommodate the display. This building was one hundred and thirty-two feet square and three stories high. Many exhibits were arranged, and the exposition was pronounced a success. It remained open until the first of December, and was attended by a large number of visitors.

In 1876 the agricultural interests of Iowa suffered materially from grasshoppers and other insects and from protracted rains. The wheat crop was twenty-five millions bushels less than the crop of the preceding year. July 4, a destructive storm of wind and rain swept over a considerable portion of the state, doing great damage to the growing crops and destroying a large number of buildings. Several lives were lost in Madison and Warren

counties, and the little town of Rockdale, in Dubuque county, was completely destroyed. The town was situated in a narrow valley, which the sudden and excessive rainfall flooded, drowning about forty of the inhabitants before they could reach a place of refuge.

June 27, 1877, a Republican convention at the capital nominated John H. Gear for governor; Frank T. Campbell for lieutenant-governor; James G. Day, for supreme judge, and C. W. Von Coelln for superintendent of public instruction. Some discord occurred in the convention over the introduction of resolutions expressing confidence in President Hayes, and commending his conciliatory policy toward the Southern states. After a brief but heated debate the resolutions were lost. In the platform it was declared to be "the solemn obligation of the legislative and executive department of the government to put into immediate and vigorous exercise all their constitutional powers for removing any just causes of discontent on the part of any class, and for securing to every American citizen complete liberty and exact equality in the exercise of all civil, political, and public rights. To this end we imperatively demand of Congress and the Chief Executive a courage and fidelity to these duties which shall not falter until their results are placed beyond dispute or recall." The convention made demands for the remonetization of silver; the gradual resumption of specie payment; a wisely adjusted tariff for revenue, and a "rigid enforcement of our present prohibitory law and any amendment thereto that will render its provisions more effective in the suppression of intemperance."

The Democratic convention met at Marshalltown, August 29. John P. Irish was named for governor; W. C. James, for lieutenant-governor; H. E. J. Boardman, for supreme judge, and G. D. Cullison, for superintendent of public instruction. The only declarations in the platform outside of well established party dogma, were the resolutions in favor of retaining a greenback currency; in denunciation of the demonetization of silver, and in support of the view that Tilden and Hendricks were elected president and vice-president in 1876.

D. P. Stubbs who was nominated in convention at Des Moines on the 12th of July, was the Greenback candidate for governor. At the same time A. A. McCready was named for lieutenant-governor; John Porter, for supreme judge, and S. T. Ballard, for superintendent of public instruction. The convention adopted resolutions demanding the immediate and unconditional repeal of the resumption act; the abolition of national banks; the remone-



tization of silver with full legal power; the equitable taxation of all property; the repeal of all class legislation, and a reduction in the salaries of officials and also in the number of offices.

On the 22nd of August the Prohibitionists met in convention at Grinnell. Elias Jessup was nominated for governor, and the rest of the ticket was made up by endorsing the Greenback candidates. At the election on the 12th of October the entire Republican ticket was chosen. For governor, Gear received one hundred and twenty-one thousand five hundred and forty-six votes; Irish seventy-nine thousand three hundred and fifty-three; Stubbs thirty-eight thousand two hundred and twenty-eight, and Jessup ten thousand six hundred and thirty-nine.

On December 11, the annual meeting of the State Grange was convened in the state house at Des Moines and remained in session until the 15th. A resolution asking the Iowa legislature, which was soon to meet, to memorialize congress for the remonetization of silver and the repeal of the resumption and national banking laws, was passed.

Under the operations of the railroad laws of 1874, railroad building in Iowa was materially checked. Less than three hundred miles of road were constructed between the passage of the act regulating charges and the close of the year 1877. In June of that year the supreme court of the United States upheld the Iowa law, and affirmed the right of the state to regulate rates unless expressly prohibited by the terms of the company's charter. The worst railroad wreck ever known in the state, up to that time, occurred on the 28th of August, 1877, nine miles west of Des Moines, on the Chicago, Rock Island & Pacific road. A passenger train was precipitated through a bridge over a little stream called Four Mile Creek, killing twenty persons and injuring some thirty-five more.

The seventeenth general assembly met on the 14th of January, 1878, and as soon as the two houses were organized the new governor took the oath of office.

## CHAPTER VI

## Events from 1879 to 1890

JOHN HENRY GEAR, the eleventh governor of the state of Iowa, was born at Ithaca, N. Y. on the 7th of April, 1825.

In 1836 his parents removed to Galena, and two years later to Fort Snelling, which was then in Iowa territory. While moving around thus from one place to another young Gear managed pick up a common school education. With this elementary basis, he devoted his spare time to study and may be called a "selfmade" man. In 1843 he located at Burlington, where he followed the business of merchandising for several years. He was elected mayor of Burlington in 1863, and afterward served six years in the legislature being twice elected speaker of the house. He was one of the first Republicans in Iowa and assisted in organizing the party in that state in 1856. From 1886 to 1890 he was in congress, and in 1892-93 was assistant secretary of the United States treasury. In 1894 he was elected to the United States senate for the term beginning March 4, 1895. He died at Washington, D. C., July 14, 1900, before the expiration of his term.

In his inaugural address Governor Gear dealt largely with the subject of railroad legislation. While agreeing with the general proposition that the state had the power to regulate and control all corporations created by it, he also agreed that corporate property was entitled to equal protection, in all its rights, to that which is given by law to the property of the individual citizen.

"It should be the settled policy of the state," said he, "to encourage by wise and liberal legislation the investment of foreign capital within her limits, which is so much needed for her growth and development in the future, and all legislation that may affect

this future should be wisely considered. Every dollar of such capital, whether invested in railways, manufactures, or any description of corporate property, is an addition to the taxable property and permanent wealth of the State. The tariff law has been in operation something over three years, and ample opportunity has been given to observe its operations; and it therefore devolves on this General Assembly to remedy its defects, if any have been developed."

It had become evident that the law was not satisfactory to all portions of the state. The people in some sections gave it a hearty endorsement, while those in others insisted that it discriminated against their interests. This dissatisfaction found its way into the legislature and resulted in the introduction of a bill providing for the appointment of a board of railroad commissioners and a radical modification of rate schedules. After a prolonged debate the bill passed the house by a vote of fifty-five to forty-three, and a few days later passed the senate by twenty-nine yeas to twenty nays. Thus ended the famous "Granger Railroad law."

The new railroad law provided for the appointment by the governor, of three commissioners who were to have general supervision of all railroads in the state. They were required to report on the condition of tracks, bridges and equipments, to order improvements where public interests demanded it, and to adjust freight and passenger rates on an impartial basis, the rights of both shipper and railroad company being taken into consideration. An amendment to the law allowing townships to vote aid to railroads was also made. Heretofore it had required the assent of two-thirds of the voters in a township, but by the amendment a majority was sufficient. This amendment and the repeal of the rate schedules stimulated railroad building, four hundred and seventy-five miles being constructed during the next two years. Constitutional amendments giving women the right of suffrage and striking out the words "free white" so as to permit negroes to be elected to the legislature, were passed by this assembly.

William B. Allison was re-elected United States senator for the term beginning March 4, 1879, by a majority of sixty-one on joint ballot. At that time the question of the remonetization of silver was prominent in congress, and as Senator Allison was taking an active part in the proceedings, the Iowa legislature deemed it expedient to second his efforts by the adoption of a resolution that: "The silver dollar having been the legal unit of value from the foundation of the Federal Government until 1873,

the law under which its coinage was suspended should be repealed at the earliest possible day, and silver made, with gold, a legal tender for the payment of all debts, both public and private."

The act of 1872, abolishing the death penalty, was repealed by this assembly, and an act leaving the power with the jury to inflict the death penalty, in the case of murderers, or to sentence the offender to imprisonment in the penitentiary for life, was passed.

Representatives from twelve counties met at Des Moines on the 13th of March and organized a State Liberal League, to be a part of, and work in unison with, the National Liberal League. Among the delegates were some of the most progressive men in the state. The convention perfected a permanent organization by adopting a constitution and electing officers. An address to the people of Iowa, under the form of the following resolutions, was adopted:

"1. That the exemption of church property from taxation is unconstitutional under the provisions of the Constitution of Iowa, which reads as follows: 'The General Assembly shall not grant to any citizen or class of citizens rights, privileges, or immunities which shall not upon the same terms be equally shared by all citizens.'

"2. That the exemption of church property from taxation is unconstitutional under the provisions of the Federal and State Constitutions, which provide that no person shall be compelled to support any religion or church.

"3. That the Sabbatarian laws are unconstitutional and void, and are impossible of execution, being opposed to natural law; that no one should be compelled to labor or not labor on any day.

"4. That a republic should never create by law a privileged class, for the reason that privileged classes always become tyrannical, and it is the duty of a republic to make all its citizens equal before the law.

"5. That we would most scrupulously respect the right of church-goers to enjoy their worship at any time unmolested; and that we demand that they equally respect the right of those who do not wish to join them to enjoy themselves with equal freedom at all times.

"6. That the Bible being regarded as a book of sacred character and religious authority by only a part of the people, it is to all intents and purposes a sectarian book; therefore we protest against its use in the public schools.



"7. That we deny the right of any civil officers, as such, to take any notice of any religious days, festivals or observances.

"8. That the employment of chaplains, as such, and the payment for their religious services by the civil authorities, and at the cost of the public, is but an adroit evasion of the Federal and State Constitutions, which forbid the compelling of citizens to support religious services against their will."

The first political convention of the year 1878 was held at Des Moines on the 10th of April by the "Greenbackers," now calling themselves the National Greenback party. J. B. Welsh was nominated for secretary of state; G. V. Swearingen for auditor; M. L. Devin for treasurer; M. Farrington for register of the land office; C. H. Jackson for attorney-general; Alex. Runyon for clerk; George W. Rutherford for reporter, and J. C. Knapp for judge of the supreme court. In the platform they made demands for the repeal of the resumption and national banking laws; for the issue of a full legal-tender paper money by the government; for the remonetization of silver; for no more interest-bearing bonds; for a general reduction in the salaries of all officers local, state and national, and for just and legal means to suppress intemperance.

May 29, the Democratic convention met at Cedar Rapids. For secretary of state, T. O. Walker was chosen; for auditor, Joseph Elboeck; for treasurer, E. D. Fenn; for register, T. S. Bardwell; for attorney-general, John Gibbons; for clerk of the supreme court, M. V. Gannon; for reporter, J. B. Elliott; for judge, J. C. Knapp. Congratulations were extended to the country upon the restoration of home rule to the South; a tariff for revenue was favored; the supremacy of the civil over the military power was advocated; the separation of church and state was favored; equal recognition of gold, silver and United States notes in the discharge of public and private obligations was demanded, and a thorough investigation of the management of the state institutions was recommended.

The Republican ticket, which was nominated at Des Moines, June 19, was as follows: For secretary, J. A. T. Hull; for auditor, Buren R. Sherman; for treasurer, George W. Bemis; for register, James K. Powers; for judge of the supreme court, John H. Rothrock; for clerk and reporter of the supreme court, E. J. Holmes and John S. Runnells were renominated. The convention adopted a declaration of principles asserting that the United States is a nation instead of a league; that the permanent pacification of the southern section of the country was

a duty to which the Republican party stood pledged; that every elector, black or white, should be permitted to vote at all elections without being disturbed or intimidated, and that the party challenged the closest scrutiny in the management of the public funds. Several resolutions reciting the attitude of the party during the Civil war, and denouncing the Democratic dogma of "home rule," and the "organized raid on the treasury by the Southern Democratic members of Congress," were passed. These led the opposition to charge during the campaign that the Republicans were "waving the bloody shirt."

After the conventions had all been held, an arrangement was reached by the Democratic and Greenback campaign committees, by which the tickets of the two parties were consolidated, the Greenbackers taking the candidates for secretary, treasurer, register of the land office, and clerk of the supreme court, and the Democrats the remainder. In making this change the name of E. M. Farnsworth was substituted for that of J. B. Welsh for secretary of state. This arrangement was completed September 29, and the election was held on the 8th of October. When the Fusion ticket was agreed upon, some of the Democratic candidates declined to withdraw and received a few votes. For secretary of state Hull received 134,544 votes; Farnsworth 123,577, and Walker, the Democratic candidate, 1,302. Approximately the same vote applied to all the other officers except for clerk and reporter of the supreme court, where the Democratic candidates received over 7,000 votes. Three candidates for congress were presented in each of the nine districts except the sixth and seventh. Of these the Republicans elected seven and the Nationals two.

Some controversy regarding the time for electing congressmen came up during the campaign. An act of congress provides that members of the national house of representatives shall be elected on the Tuesday after the first Monday in November, except in cases where the constitution of the state otherwise stipulates. The constitution of Iowa, at the time of its adoption, fixed the time for electing state officers in 1857 and 1858, but did not go beyond those years. Some citizens insisted therefore, that November was the proper time for the legal election of members of congress; but Governor Gear called the election in October, at the same time state officers were chosen. After the election of October its legality was challenged, and another election was held in November. No Republican candidates were presented at this second election, and, of course, the Democratic candidates were elected. When

congress met they appeared and claimed their seats as the only legally elected representatives from Iowa. The matter was referred to the committee on elections, from which three reports were presented: A majority report that the October election was legal; one minority report that the members elected in November were the rightfully elected congressmen; and another minority report that both elections were illegal. The majority report was adopted by the house, and those elected in October were permitted to retain the seats.

Late in the year 1878 the question of railroad rates came before the board of railroad commissioners for the first time. Complaints that three of the roads had arbitrarily advanced freights on coal, in some instances as much as twenty-five per cent, were made. Upon inquiry the board learned that the rates were sustained by the new tariff schedules. A meeting was arranged with representatives of the companies on the 26th of March, 1879, and after some delay a modification of the rates, not only on coal, but on many other articles, was agreed to, the new rates being about the same as those fixed by the Granger law. In some instances, especially on long hauls within the state, the charges were lower than those established by the law of 1874. No serious difficulty was encountered in adjusting the rates, and the power of the railroad commissioners was, by this precedent, fully established. In their first report the commissioners said:

"The Commissioners are simply a court of arbitration, its expenses being borne by assessments upon the railroads. Not one suit at law, arising from unjust or discrimination charges, so far as the Commissioners have knowledge, has been prosecuted against any railroad company in Iowa since the commissioner system was adopted. All grievances of this character have been referred to this Board, and by it investigated and adjudged, in every case, with perhaps a single exception, being accepted as final. Moreover, the Commissioners are not aware of an instance where any railroad company has persisted in charges that have been complained of after such rates have been held to be unjust or discriminative by the Board. . . . It seems to vastly simplify the relations between the railroads and the public, and to cheapen the cost of adjusting whatever differences or grievances may from time to time be complained of."

The election of 1879 was for governor, lieutenant-governor, one supreme judge and a superintendent of public instruction. A convention of the Democratic party met at Council Bluffs on the 21st of May and nominated H. H. Trimble for governor; J. O.

Yeoman for lieutenant-governor; Reuben E. Noble for supreme judge, and Irwin Baker for superintendent of public instruction. The platform adopted was largely a repetition of that of the previous year.

On the 11th of June the Republicans met at Des Moines. Governor Gear, Lieutenant-Governor Campbell, Judge Joseph M. Beck and Superintendent Von Coelln were all re-nominated. Among the resolutions was one affirming that, "in order that the entire question of prohibition may be settled in a non-partisan manner, we favor the submission to the people, at a special election, of a constitutional amendment, prohibiting the manufacture and sale of all intoxicating liquors as a beverage within the state."

Daniel Campbell was at the head of the National, or Greenback, ticket; H. H. Moore was the candidate for lieutenant-governor; M. H. Jones, for supreme judge, and J. A. Nash, for superintendent. The convention met at the capital in May. After a long preamble there was adopted a series of resolutions demanding the issuance of all money by the general government upon a per capita basis; the payment of all United States bonds in legal tender money; the abolition of national banks; the unlimited coinage of the silver dollar; the repeal of the railroad commissioners' law; the passage of a law to reduce and equalize freights, and the separation of prison-convict labor from competition with free labor. Congressmen Weaver and Gillette were commended for "the bold and independent stand taken in their contest with the combined opposition of both old parties."

On July 16, a Prohibition convention assembled at Cedar Rapids. It was not the purpose of a majority of the delegates to nominate a ticket. The resolutions adopted endorsed the work of the temperance organizations of the state, in agitating the question of an amendment to the constitution, to prohibit the manufacture and sale of all intoxicating liquors, including ale, wine and beer. A resolution to nominate a state Prohibition ticket was lost by a vote of 41 nays to 32 yeas; but after the convention adjourned about forty of the delegates got together, nominated G. T. Carpenter for governor, and completed the ticket by endorsing the Republican nominees for lieutenant-governor and supreme judge and the National candidate for superintendent of public instruction. Carpenter afterward declined to make the race.

The movement to amend the constitution in the interests of prohibition stimulated the manufacturers of, and dealers in, liquor to action. Representatives of the liquor interests assem-



bled in convention, July 30, at Des Moines. In calling the convention to order the chairman stated that the meeting had been called "to inaugurate a contest of protection against fanaticism, and to notify all prohibitionists that the liquor-sellers have determined to stand up for their rights."

In a preamble and resolutions addressed to the public their position was unequivocally stated, as the following extracts will show: "WHEREAS, We have made the sad experience as a class of business, that the prohibitory liquor law of this state does not in any degree promote the cause of temperance or morality for which it is intended, and consequently does not afford the people of this state the desired protection; but on the other hand it is used as a lever to throttle us and to constantly hurl against us an army of deadbeats, blackmailers and spies, who have in no wise the welfare of the people of the great state of Iowa in view, but who seek to destroy what it has taken years to build up, only to satisfy either their malice, personal greed, or ambition. . . .

*"Resolved,* That while the members of this convention belong to all political parties, and are therefore strictly non-partisan, we are not unmindful of who is our friend and who our foe; and we therefore pledge ourselves not to support any candidate for any office within the gift of the people of the state who is an enemy to the interest which we represent, or who will not pledge himself in favor of a judicious license law."

The "Friends of personal liberty and license" were called to organize township clubs wherever practicable to secure greater unity of action, and "to enable the people to become acquainted with the losses the farmer and business man sustain through the pernicious operation of the existing prohibitory liquor law."

All the Republican candidates were victorious at the election in October. Governor Gear's vote was 157,571, to 85,056 cast for Trimble and 45,429 for Campbell. In the legislature of 1880 the senate stood 41 Republicans; 7 Democrats and 2 Nationals; the house 81 Republicans; 14 Democrats; 4 Nationals and 1 Independent.

This legislature began its session on the 12th of January, 1880, and reached a final adjournment on the 27th of March. As an outgrowth of the temperance agitation the following amendment to the state constitution was proposed, and after considerable debate passed both houses.

"Section 26. No person shall manufacture for sale, or sell, or keep for sale, as a beverage any intoxicating liquors whatever, including ale, wine and beer. The General Assembly shall, by

law, prescribe regulations for the enforcement of the prohibition herein contained, and shall provide suitable penalties for the violation of the provisions hereof."

The amendment proposed by the preceding assembly, extending the elective franchise to women, failed to pass the senate at this session, and was therefore not submitted to the people. The assembly took steps to submit to the people the question of holding a constitutional convention, to thoroughly revise the organic law.

Democratic conventions were held on the 7th of April, and early in September. At the former delegates were chosen to the national convention, and at the latter the following candidates were nominated for state officers: For secretary of state, A. B. Keith; for auditor, Charles I. Barker; for treasurer, Martin Blim; for attorney-general, C. A. Clark; for register, D. Dougherty. The work of the national convention both as to platform and candidates, was endorsed, and a resolution declaring in favor of a judicious license law was adopted. This was the whole platform.

Two conventions were also held by the Republicans. One on the 14th of April, for the selection of national delegates, and the other on the 25th of August, for the nomination of a state ticket. The delegates chosen at the April convention were instructed to cast the vote of Iowa as a unit, and to use all honorable means to secure the nomination of James G. Blaine for the presidency. At the August convention J. A. T. Hull was re-nominated for secretary of state; W. V. Lucas named for auditor; Maj. E. H. Conger, for treasurer; Smith McPherson, for attorney-general, and J. K. Powers, for register of the land office.

The National Greenback Labor party held but one convention—at Des Moines, May 19 and 20—at which delegates to the national convention were chosen; G. M. Walker was nominated for secretary of state; G. V. Swearingen, for auditor; Matthew Farrington, for treasurer; W. A. Spurrier, for attorney-general, and Thomas Hooker, for register. By far the greater part of the platform was devoted to questions growing out of the financial policy of the government. Importation of Chinese labor was opposed, universal suffrage favored, and sectionalism deplored.

This year the state officers were elected in November, on the same day as the presidential candidates. Garfield, Republican candidate for president, received 183,927 votes; Hancock, Democrat, 105,845, and Weaver, Greenback, 32,701. The vote for state officers varied but slightly from that cast for president, all the Republicans being elected. The entire congressional delegation chosen at this election was Republican. On the question of hold-

ing a constitutional convention there were 69,762 votes cast in favor of it and 85,784 against it. The proposition was therefore defeated. The amendment, first proposed in the assembly of 1868, to strike out the words "free white" in the clause relating to qualifications for legislators, was ratified by a vote of 90,237 to 51,945, and the provision was made operative by the declaration of the board of canvassers on the 3rd of December.

The progress of Iowa between the years 1870 and 1880 as shown by the United States census was certainly satisfactory. The population increased almost half a million, and the taxable property about one hundred and twenty million dollars. Nearly seven thousand manufacturing concerns with an annual output of more than seventy million dollars, an increase of more than thirty-three million dollars in the ten years, were in operation. Railroad mileage increased from two thousand six hundred to five thousand five hundred, and nearly a thousand miles more were under construction when the census of 1880 was taken. School property increased in value more than two million five hundred thousand dollars. The state debt was materially decreased, and this, too, notwithstanding liberal appropriations were made for the maintenance of the State institutions and the erection of a new capitol.

In the campaign of 1881 the principal issue was the adoption of the prohibitory amendment. Before it could be submitted to the people for ratification, it must pass the legislature of 1882. On the 19th of January, 1881, a convention of brewers met to devise measures by which it could be defeated in the assembly.\* It was decided by this convention to organize a State Protective Association, embracing "all respectable persons engaged in the manufacture or sale of liquors," and to work for the election of men to the legislature who would vote against the amendment.

The temperance people took up the gage, established a lecture bureau, sent speakers over the state to work up and crystallize the sentiment in favor of prohibition, and, at their third annual jubilee in July, resolved to "go from this convention determined and pledged to work and vote for such candidates for the office of Senator and Representative, and only such, as are clearly and unequivocally pledged to vote and work for the submission of the prohibitory amendment to a vote of the people."

On June 1, the Greenback party held a state convention at Marshalltown. D. M. Clark was named for governor; James M.

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\* At this time there were 120 breweries in the state, with an annual product of more than 250,000 barrels of beer. With very few exceptions all were represented in this convention.

Holland, for lieutenant-governor; A. B. Dabney, for supreme judge, and Mrs. Mary E. Nash, for superintendent of public instruction. The platform favored the submission of the prohibitory amendment.

On the 16th of the same month the Democratic state convention met at Des Moines. Over four hundred delegates were present. For governor, L. G. Kinne was nominated; for lieutenant-governor, J. M. Waker; for supreme judge, H. P. Hendershott; for superintendent, W. H. Butler. On the question of the amendment the platform declared: "That we oppose all sumptuary laws, and the proposed prohibitory amendment to the constitution in all its steps and stages, as the most offensive form of sumptuary legislation."

The Republican state convention met at the capital June 28. Every county in the state was represented, more than a thousand delegates being present. A spirited contest was made for governor; Buren R. Sherman being nominated on the twelfth ballot. O. H. Manning was nominated for lieutenant-governor; Austin Adams, for supreme judge, and John W. Akers, for superintendent of public instruction. Regarding the amendment, the convention reiterated the party declaration of 1879, in favor of submitting the question to the public at a special election. Thus the issue was clearly defined, and the contest began in earnest for possession of the nineteenth general assembly, which would meet in January, 1882. At the election in October, the friends of the amendment were triumphant. In the senate there were 45 Republicans, 2 Democrats, 2 Greenbackers, and 1 Independent. The house stood 70 Republicans, 22 Democrats and 6 Greenbackers. Sherman received 133,323 votes for governor; Kinne 73,395; Clark 28,146; and William Johnson, a candidate opposed to secret societies, 191.\* Governor Sherman, and Lieutenant-Governor Manning were inducted into office on the 12th of January, 1882, the fifth day of the legislative session.

Buren Robinson Sherman, twelfth state governor of Iowa, was born at Phelps, Ontario county, N. Y., May 28, 1836. After acquiring such an education as the common schools and the Elmira Academy afforded, he studied law and was admitted to the bar in his native county, but began the practice of his profession at Vinton, Ia., in 1859, in partnership with J. C. Traer. In 1860 the firm was admitted to practice in the United States courts, and was on the high road to success when the Civil war

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\* This was the second time the Anti-Secret Society party had a candidate. In 1880, Hall, their candidate for secretary of state, polled 282 votes.



began. Sherman enlisted as a second lieutenant in one of the early Iowa regiments, but was soon promoted to captain. April 6, 1862, he was wounded so severely that he resigned on the 17th of that month, returned home, and, after recovering from his injuries, again took up the practice of law. From 1865 to 1867 he was judge of Benton county, and from 1869 to 1874 was clerk of the district court. In the latter year he was elected state auditor, serving until 1881, when he was elected governor. He was re-elected two years later. While serving his first term the University of Iowa honored him by conferring upon him the degree of LL. D. He is a thirty-third degree Mason, and is well known in Masonic circles in Iowa and adjoining states.

When President Garfield was inaugurated in 1881, he appointed Samuel J. Kirkwood, United States senator from Iowa, secretary of the interior. This left a vacancy in the senate, and on the 17th of January, 1882, James W. McDill was elected to fill the remainder of the term which ended on the 4th of March, 1883. At the same time James F. Wilson was elected for the full term beginning March 4, 1883.

By the census of 1880 it was shown that Iowa was entitled to eleven representatives in congress instead of nine as heretofore. An act dividing the state into eleven congressional districts, was therefore passed at this session of the assembly.

The first district was made up of the counties of Lee, Des Moines, Henry, Van Buren, Jefferson, Washington, and Louisa.

The second district, the counties of Jones, Jackson, Clinton, Cedar, Scott, and Muscatine.

The third district, the counties of Dubuque, Delaware, Buchanan, Black Hawk, Bremer, Butler, and Grundy.

The fourth district, the counties of Clayton, Fayette, Winneshek, Allamakee, Howard, Mitchell, Floyd, and Chickasaw.

The fifth district, the counties of Marshall, Tama, Benton, Linn, Johnson, and Iowa.

The sixth district, the counties of Jasper, Poweshiek, Mahaska, Monroe, Wapello, Keokuk, and Davis.

The seventh district, the counties of Guthrie, Dallas, Polk, Adair, Madison, Warren, and Marion.

The eighth district, the counties of Clarke, Lucas, Ringgold, Decatur, Wayne, Appanoose, Union, Adams, Page, and Taylor.

The ninth district, the counties of Pottawattamie, Cass, Mills, Audubon, Crawford, Montgomery, Shelby, Fremont, and Harrison.

The tenth district, the counties of Boone, Story, Hardin,

Hamilton, Webster, Franklin, Wright, Humboldt, Hancock, Cerro Gordo, Worth, Winnebago, and Kossuth.

The eleventh district, the counties of Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Pocahontas, Woodbury, Ida, Sac, Calhoun, Monona, Carroll, and Greene.

Several grants made to railroad companies in 1864 and 1866, were declared forfeited, because of the failure of the companies to complete the roads according to the provisions of the acts making the grants, and acts authorizing the state to resume control of all lands granted to such companies, were passed.

The prohibitory amendment passed by a decisive vote, and June 27th was fixed as the date for a special election, when the people should vote to ratify or reject it. A temperance convention was held at Des Moines on the 26th of January, with sixty-five counties of the state represented. It was held before the assembly had voted on the amendment, and the object of the convention was to influence the action of the legislature. A resolution asking for the special election to be held on the 2nd of September was adopted; but the legislature thought the subject could be sufficiently discussed by the 27th of June, and accordingly selected the latter date.

On April 12, the twenty-third annual meeting of the Iowa brewers was held in Des Moines, more than a hundred delegates being present. An address urging the people to vote against the amendment, was issued by them; and resolutions were adopted, one of which was, that "we will use all honorable means to defeat said proposed amendment at the polls, and, if we are unsuccessful, will resist its unjust and oppressive provisions by every method known to law." Another of the resolutions declared that "we will never knowingly support for any office or place of trust any one who shall vote for this proposed outrage upon our property and our rights."

From the time the amendment passed the assembly until the special election in June, an incessant war was waged by the friends and foes of the measure. William Justin Harsha, in his "Story of Iowa," says: "No question ever received so thorough a discussion and absorbed so completely the public mind and conscience. For six months it was all Iowa thought of . . . . Even among drinking men the movement found strong support. It was not an uncommon thing to witness the anomaly of a man under the influence of liquor addressing an audience in favor of prohibition. Such a speaker was not a willful hypocrite. Strug-

gling in chains whose strength he felt all too severely, he was simply pleading for protection against himself, and for some external aid against his direst foe." The amendment was ratified by the people, 155,436 being cast for it, to 125,677 against it, and on the 28th of July the board of canvassers declared it to be in full force and effect.

Three tickets were again in the field in the campaign of 1882. The Greenback party opened the canvass by holding a convention at the capital on the 7th of June, at which the following nominations were made: For secretary, William Gaston; for auditor, D. A. Wyantt; for treasurer, George Derr; for attorney-general, James A. Rice; for judge, W. H. Jones; for clerk, E. M. Clark; for reporter, J. H. Williamson. Principles of former platforms on national questions were reaffirmed; opposition to all monopolies, national banks and railroad corporations was declared.

On the 2nd of August the Republicans met in convention and renominated J. A. T. Hull, for secretary of state; E. H. Conger, for treasurer; Smith McPherson, for attorney-general, and William H. SeEVERS, for supreme judge. The ticket was completed by the selection of J. L. Brown, for auditor; G. B. Pray, for clerk, and E. C. Ebersole, for reporter of the supreme court. The platform of 1880 was reiterated; President Arthur's administration was endorsed; a demand was made for a reform of the patent laws; an equitable revision of the tariff and an interstate commerce law of congress regulating railway rates, were recommended.

The Democratic convention met on the 16th of August, and nominated T. O. Walker, for secretary; William Thompson, for auditor; John Foley, for treasurer; J. H. Brennerman, for attorney-general; H. T. Bonarden, for clerk; A. L. Palmer, for reporter, and G. C. Bronson, for judge of the supreme court. Resolutions favoring civil service reform and denouncing the practice of assessing office holders for money to corrupt the ballot, were adopted. The adoption of the prohibitory amendment was deplored, and the party pledged itself to secure its elimination from the constitution.

In view of the congressional contest of two years before, the election this year was called in November. The vote for secretary of state was as follows: Hull, 149,051; Walker, 112,180; Gaston, 30,817; scattering, 342. Democratic congressmen were elected in the second and ninth districts, and the Greenback candidate was elected in the fourth. All the others were Republican.

On the 17th of June two tornadoes, one moving toward the

Northeast, and the other toward the Northwest, met near Grinnell. Each of the storms did great damage singly, but when the two forces met, the destruction was terrific. A considerable part of the town of Grinnell was wrecked, and several of the buildings of Iowa college were totally destroyed. The property loss aggregated about three million dollars, to say nothing of many lives. Governor Sherman issued a call to the charitably inclined people of the country for aid for the storm sufferers, and about one hundred and fifty thousand dollars was contributed.

In December a case to test the validity of the prohibitory amendment was taken before the supreme court. Koehler and Lange sold some beer to a man named Hill, who refused to pay for it on the grounds that the sale was illegal. On the 18th of January, 1883, a decision that nullified the amendment because it passed the senate in the nineteenth assembly in a different form from that in which it passed the two houses of the eighteenth, was handed down by the supreme court. A rehearing was granted, the case argued a second time on the 3d of April, and on the 21st the court reaffirmed its former decision that the amendment had not been legally adopted, and was therefore not a part of the constitution. Judge Seevers delivered the opinion, and in both instances Judge Beck dissented.

In the campaign of 1883, Governor Sherman was renominated by the Republicans; L. G. Kinne was named by the Democrats, and James B. Weaver, by the Greenbackers. Nothing of a novel or startling nature was contained in any of the party platforms. At the election in October, Sherman received 164,141; Kinne, 139,032; Weaver, 23,089.

The twentieth general assembly met on the 14th of January, 1884. Near the beginning of the session Governor Sherman was inaugurated for his second term. Lieutenant-Governor Manning became the presiding officer of the senate, and William P. Wolf was elected speaker of the house. Politically, the senate stood thirty-nine Republicans, and eleven Democrats; the house fifty-two Republicans, forty-two Democrats, and six Greenbackers. On the 22nd of January, William B. Allison was re-elected United States senator for the term beginning on the 4th of March, 1885.

There were passed acts establishing a bureau of labor statistics; providing for an additional hospital for the insane to be located somewhere in Southwestern Iowa, and appropriating one hundred and fifty thousand dollars therefor; appropriating fifty thousand dollars to buy land for a state fair grounds for the agricultural society, and making an appropriation of three hundred and sixty-



nine thousand five hundred dollars for completing the new capitol. A large number of other bills were passed, few being of general interest.

The failure of the prohibitory amendment created a demand for the enactment of a stringent law on the subject. On January 23, a convention of temperance advocates met at Des Moines to urge the passage of such a law. In the resolutions adopted was the expression that, "we fully trust and confidently expect that our present legislature will promptly meet the wishes of the people in not only repealing the statute permitting the sale of ale, wine, and beer as beverages, but enact and provide suitable penalties to enforce the law so that the citizens in any part of the State can effectually close up and put a stop to all traffic in intoxicating beverages of whatever name or nature, whether sold or given away in a saloon, hotel, club-room, drug-store, private house, or any other place or in any manner."

An act known as the Kennedy bill, was finally passed. It was in the form of an amendment to section one thousand five hundred and fifty-five of the code, providing that, "whenever the words intoxicating liquors occur in this chapter the same shall be construed to mean alcohol, ale, wine, beer, spirituous, vinous and malt liquors, and all intoxicating liquors whatever, and no person shall manufacture for sale or sell, or keep for sale as a beverage any intoxicating liquors whatever, including ale, wine, and beer; and the same provisions and penalties of law in force relating to intoxicating liquors shall in like manner be held and construed to apply to violations of this act, and the manufacture, sale, or keeping for sale, or keeping with intent to sell, or keeping or establishing a place for the sale of all wine and beer, and all other intoxicating liquors whatever."

The assembly of 1884 was the first to meet in the new capitol, and on the 17th of January, John A. Kasson, by invitation, delivered an address to the two houses and a large number of visitors, formally dedicating the building to the service of the state.

Governor Sherman, on the 10th of January, appointed Herbert S. Fairall commissioner for the Cotton States Exposition, to be held at New Orleans from December 16, 1884, to June 1, 1885, and named John S. Ely as alternate. They were duly commissioned by the president of the United States on the 10th of February. The state board of commissioners organized in August, and the work of collecting specimens of Iowa's products for exhibition was begun. The collection, which embraced all lines of industry, work of pupils in the public schools, etc., was materially

damaged by a railroad wreck while in transit, but the state made a creditable display notwithstanding. May 13, 1885, was "Iowa Day," and was celebrated with appropriate ceremonies under the "Live Oaks" on the exposition grounds, a large concourse of Iowa people being present.

In the campaign of 1884, the Democratic and Greenback parties united in the formation of a state ticket, and also in the selection of presidential electors. The platforms of all the political conventions were mainly endorsements of the national platforms and reaffirmations of previous declarations on state issues.

At the election on the 4th of November the vote for presidential electors was as follows: Republican 197,089, Fusion 177,316, Prohibition 1,472. For secretary of state Frank D. Jackson, Republican, received 198,001 to 179,219 cast for the Democratic candidate, James Dooley. Seven Republican and four Fusion congressmen were elected; the latter from the first, second, fifth and sixth districts.

Four constitutional amendments were ratified at this election: The first provided that the general election for state, district, county and township officers, should be held on the Tuesday next after the first Monday in November, and was duly ratified. The third fixed the number of grand jurors at from five to fifteen and gave the legislature power to provide for the trial of persons charged with criminal offenses, without the intervention of a grand jury. This amendment was adopted by a vote of 72,591 in the affirmative to 30,343 in the negative. The fourth amendment, which received 67,621 votes to 32,902 against it, related to the election of county attorneys in each county by popular vote.

In the campaign of 1885 the first nominating convention was held by the Greenbackers at Des Moines on the 7th of July. A resolution to nominate only candidates for lieutenant-governor and superintendent of public instruction was adopted. It was further resolved that "if the Democratic convention indorse our nominees and further nominate a candidate for governor and supreme judge who are publicly known to be unflinching anti-monopolists, then in that case our state central committee are instructed to place said names upon our ticket, and we pledge them our hearty support, otherwise the central committee is instructed to fill our ticket with straight Greenbackers."

In pursuance of the resolution E. H. Gillette was selected as candidate for lieutenant-governor and F. W. Moore, for superintendent of public instruction, after which the convention adjourned to await the action of the Democratic convention which

was to meet at Cedar Rapids on the nineteenth of August. The Democrats accepted the bid of the Greenbackers for a fusion ticket, endorsed the nominees of that party, nominated Charles E. Whiting for governor and W. F. Brannan for supreme judge. Some of the Greenbackers did not approve of the alliance with the Democrats. They accordingly met and nominated a straight Greenback ticket, with Elias Doty as their candidate for governor. The Prohibitionists also had a ticket in the field, headed by James Mickelwait.

On the twenty-sixth of August the Republican convention met at Des Moines and nominated the following ticket: For governor, William Larrabee; lieutenant-governor, J. A. T. Hull; supreme judge, J. M. Beck; superintendent, John W. Akers.

Prohibition was again an important question in the campaign. The Democratic convention declared in favor of the repeal of the Kennedy law and the imposition of a license fee of two hundred and fifty dollars. On the other hand the Republicans, while disclaiming any desire to make the support of prohibition a test of party fealty, demanded a fair and thorough trial of the law before it should be repealed.

Early in July the State Temperance Alliance sent circulars of inquiry to every township in the state, asking information regarding the law during the year that it had been in force. Replies were received from 343 townships in 85 counties by the 1st of August. From these replies it was shown that the number of saloons in the townships reporting had been decreased from 927 to 331. It was stated that drunkenness and crime had decreased in a corresponding ratio.

A convention of mayors of Iowa cities, which met at Des Moines on the 16th of December, took a different view. In that convention it was confidently asserted that, while the number of licensed saloons in the state had decreased, the number of unlicensed saloons had alarmingly increased. Prior to July 4, 1884, the time the Kennedy law went into effect, there were 1,806 licensed saloons in Iowa. At the time of the convention of mayors 2,200 unlicensed saloons were reported. The convention adopted a memorial to the legislature asking that the larger cities of the state be exempted from the operations of the law. In a table accompanying the memorial it was shown that the number of places where liquors were sold had increased in some of the cities as follows: Des Moines, from 60 to 200; Dubuque, from 145 to 200; Davenport, from 130 to 175; Burlington, from 68 to 100; Cedar Rapids, from 34 to 100; Ottumwa, from 22 to 100; Keokuk, from 29 to 47, etc.

The vote for governor at the election on the 3d of November was as follows: Larrabee, 175,504; Whiting, 168,525; Doty, 302; Mickelwait, 1,405. A new legislature was also chosen at this election, the senate standing 31 Republicans to 19 Fusionists and 1 Independent. With the assembling of this legislature, on the 11th of January, 1886, Governor Larrabee's administration began.

William Larrabee, the thirteenth governor of the state of Iowa, was born at Ledyard, Conn., on the 20th of January, 1832. At the age of twenty-one, with a small capital and a common school education, he went to Iowa, where, for a time, he engaged in teaching in the counties of Hardin and Allamakee. He was one of the founders of the Republican party in Iowa, though he never held office until 1867, when he was elected to the state senate. At every succeeding election until 1881 he was re-elected, serving continuously for fourteen years. During the greater part of that time he was a member of the ways and means committee, and took an active interest in railroad legislation, much of the Iowa statutes on this subject being due to his intelligent and painstaking efforts. Governor Larrabee is widely known as the author of a book on "The Railroad Question," which was published in 1893, and is regarded as authority on the subject. In 1885 he was elected governor of Iowa, and two years later was re-elected. Since 1872 he has been interested in banking operations.

One of the most important acts of the legislature of 1886 was a readjustment of congressional district boundaries. No change was made in the first district from the apportionment of 1882. In the second the counties of Jones and Cedar were taken out, and Johnson and Iowa added. Grundy county was transferred from the third to the fifth district, Franklin, Hardin and Wright being added to the third. Worth and Cerro Gordo were annexed to the fourth and Jones and Cedar to the fifth. The sixth district remained the same. Adair and Guthrie counties were taken from the seventh and added to the ninth, while Story county was transferred from the tenth to the seventh. The tenth district was also decreased by Cerro Gordo, Hardin and Worth counties, and increased by Crawford, Carroll, Greene, Emmet, Palo Alto and Pocahontas. Four of these counties—Emmet, Carroll, Greene and Palo Alto were taken from the eleventh, which otherwise remained the same.

An act of congress in 1886 divided Iowa into two Federal judicial districts. For the southern district J. M. Love of Keokuk was appointed judge and D. O. Finch of Des Moines district



attorney. In the northern district O. P. Shiras of Dubuque was made judge and T. P. Murphy of Sioux City, attorney.

In June the capitol was pronounced finished, and on the last day of that month the commission was dissolved. More than fifteen years had elapsed since the legislature first passed the act (April 13, 1870) authorizing its construction. For several years prior to that time the agitation for a new building had been going on. The corner stone as first laid in 1871 bore the name of the first commissioners and Cochrane & Piquenard, architects. After the reorganization of the board, mentioned in a former chapter, these names were erased, the stone was relaid, September 29, 1873, bearing the simple inscription "Iowa, 1873." In 1872 Architect Cochrane resigned and Mr. Piquenard had charge of the work until his death in November, 1876. The firm of Bell and Hackney succeeded, most of the interior decorations being designed by Mr. Bell, who in 1883 withdrew from the firm to accept a position as supervising architect with the Federal government. The total cost of the structure was two million eight hundred seventy-one thousand six hundred and eighty-two dollars, though there were certain credits which reduced the actual cost to two million six hundred fifty-eight thousand and fifteen dollars. The length of the building from north to south is 363 feet 8 inches; from east to west 246 feet 11 inches; height to the ball on the main dome 295 feet 5 inches; number of square feet covered by the building 54,850. The first story is 23 feet 9 inches high; the second 22 feet 9 inches and the third 20 feet 9 inches. Few states have a better arranged or more imposing capitol than Iowa. And it is greatly to the credit of her chief executives and the members of the commission that, during the whole fifteen years occupied in building it, no whisper of scandal, no charge of jobbery or dishonesty was heard against the men entrusted with its construction.

On June 30 and July 1, the Democratic state convention was in session at Des Moines. On the first of July the Greenbackers also met at the capital, and again a Fusion ticket was arranged, the Greenbackers taking the treasurer and clerk of the supreme court, and the Democrats the remainder of the ticket. The nominees were as follows: For secretary of state, Cato Sells; auditor, Paul Guelich; treasurer, Daniel Campbell; attorney-general, C. H. Mackey; clerk of the supreme court, William Theophilus; reporter, F. P. Bradley. Two platforms were promulgated: That of the Democrats demanded the application of the surplus in the Federal treasury to the payment of the national debt; the reservation of public lands for actual settlers; the unconditional

resumption of all unearned railroad land grants; the repeal of the Kennedy law and the enactment in its stead of a local option law that should be especially adapted to the larger towns and cities. The Greenback platform dealt largely with the money question; denounced the financial policy of the government, and demanded a government issue of money to be loaned directly to the people at a rate of interest not exceeding three per cent.

The Republican convention was held at Des Moines on the thirtieth of August. Frank D. Jackson was nominated for secretary of state; J. A. Lyons, for auditor; Voltaire P. Twombly, for treasurer; A. J. Baker, for attorney-general; G. B. Pray, for clerk of the supreme court, and E. C. Ebersole, for reporter. There were passed resolutions denouncing the abuses of the election privileges in the South and demanding the protection of labor from competition with the pauper labor abroad and convict labor at home. The strict enforcement of the prohibitory liquor law was insisted upon until such time as it should be repealed. At the election all the Republican candidates were successful, Jackson's majority, for secretary of state, being 14,712.

In the political campaign of 1887 was a new factor. On June 8, representatives of organized labor met in convention and nominated the following ticket: For governor, M. J. Cain; for lieutenant-governor, J. R. Sovereign; for supreme judge, M. H. Jones; for superintendent of public instruction, Eugene Hanan. There was adopted a platform in which the abolition of the Iowa labor commission, the prompt payment of the state debt, the reduction of railroad fare to two cents a mile on all roads, the taxation of mortgages, and the exemption from taxation of mortgaged property to the extent of indebtedness, were demanded. The policy that allowed large tracts of land to be held unused was denounced, and a request was made for the enactment of a law to prohibit the aliens from acquiring title to land in the state.

On the 24th of August the Republicans met and renominated Gov. William Larrabee and Lieutenant-Governor Hull. The ticket was completed by the selection of G. S. Robinson for judge of the supreme court and Henry Sabin for superintendent of public instruction. President Cleveland's administration was severely criticised; Southern frauds in election were denounced; indiscriminate immigration of paupers, criminals, and Chinese coolies was opposed, and a protective tariff and civil service reform were favored.

The Democratic convention met early in September. T. J. Anderson was nominated for governor; J. M. Elder, for lieutenant-

ant-governor; Charles F. Fogg, for judge of the supreme court, and H. W. Sawyer, for superintendent. The Democratic members of the last general assembly were commended for their support of the alien landlord and local option bills, and the convention pledged the party to carry out those measures if successful at the polls. Legislation by congress and the state legislature to regulate railroad rates was demanded, and the rearrangement of congressional districts was denounced as a Republican gerrymander, intended to give the control of the state to a minority of the people.

Governor Larrabee's vote at the election in November was 168,784; that of Anderson 152,918. Cain, the Union Labor candidate, polled 11,612 votes and V. G. Farnham, the Prohibition candidate, 334.

August 12, a brass tablet, commemorative of the Spirit Lake Massacre and expedition thirty years before, was unveiled in the Hamilton county court-house. Sometime before the county commissioners had made an appropriation of three hundred dollars to pay for the tablet, which bore the names of those from Hamilton county who took part in the expedition against Inkpaduta in 1857. Seven of the survivors were present at the unveiling of the tablet. They were: Capt. John F. Duncombe, Cyrus C. Carpenter, W. K. Laughlin, Michael Sweeney, Capt. Charles B. Richards, and Lieutenants John N. Maxwell and Frank R. Mason. Governor Larrabee was also present and delivered an address.

The twenty-second legislature was convened on the 9th of January, 1888, Lieutenant-Governor Hull presiding in the senate, and W. H. Redman in the house. In the senate were 32 Republicans, 17 Democrats and 1 Independent, and in the house 63 Republicans, 33 Democrats and 4 Independents. Early in the session U. S. Sen. James F. Wilson was elected for a second term, to begin on the 4th of March, 1889.

Two important acts were passed at this session. The first, known as the "anti-trust law," provided that "If any corporation organized under the laws of this state, or any other state or country, for transacting or conducting any kind of business in this state, or any partnership or individual, shall create, enter into, or become a member or a party to any pool, trust, agreement, combination or confederation with any other corporation, partnership or individual to regulate or fix the price of any commodity, shall be deemed guilty of a conspiracy to defraud, and shall be fined in any sum not less than one hundred dollars nor more than five thousand dollars."

The second act—the pharmacy law—forbade the sale of liquor except by registered pharmacists, and declared that no liquor could be manufactured in the state to sell to parties outside, except for medicinal purposes. The purpose of the latter provision was to overcome a decision of the state supreme court, rendered in 1887, in the case of Pearson vs. the International Distillery Company. A suit to prevent the indiscriminate sale of liquors to outside persons was brought against the company. In defense the company showed that it held a license to manufacture liquors, for sale within the State, for medicinal, mechanical and sacramental purposes, but that outside of the State it had the right to dispose of its wares in any way, to any person, and for any purpose whatever. The court decided in favor of the company, because there was no statute forbidding the export of liquors. The provision in the pharmacy act was intended to remedy this defect, but the Federal courts decided in March that it was an interference with the interstate commerce laws passed by congress and therefore void.

This legislature is noted for its fight against the railroads on the subject of exorbitant rates. Governor Larrabee, in his message, called attention to the tyranny of certain railroad corporations, and suggested measures to protect the interests of the people. There was much bitter feeling toward the arbitrary methods of the roads, and several radical bills were introduced. Conservative heads controlled the legislation, however, and a bill enlarging the powers of the railroad commissioners was passed. Though the act contained no actually vicious provisions, it greatly restricted the railroad companies, particularly in the matter of fixing rates. It went into effect on the 10th of May, and the first act of the commissioners was to reduce charges about twenty per cent. Injunctions were immediately applied for by the companies, one application being made to Judge Fairall at Iowa City and the other to Judge Brewer of the Federal court. In both cases temporary injunctions were granted; that before Judge Brewer was argued in July. In August Judge Fairall overruled a motion on the part of the commissioners to dissolve the temporary injunction. It began to look like a long siege of litigation, when the board of commissioners tried another section of the act. According to a provision of the law complaints were made to the board by shippers of Davenport, Dubuque and Burlington, and these cases were heard separately by the board, the decisions being published a few days before the election. By these special cases it was sought to establish rates a little higher than those



announced earlier in the season. But the Chicago, Burlington and Quincy road promptly secured an injunction from Judge Brewer against the enforcement of the new schedule. Argument was heard at Minneapolis, Minn., December 11. The railroad company set up that the section of the act upon which the rates were based, contemplated only the power to adjust rates in some special shipment, and not to make a general schedule of tariffs; and that the rates published in November were unjust, because they were unreasonably low. Judge Brewer ruled against the company on both points. He advised the railroads to give the new rates a fair trial, and if they proved to be unreasonably low to apply for a permanent injunction. The railroad companies then notified the commissioners that the new rates would be accepted, and on the 17th a compromise was reached and all suits pending in the courts were dismissed.

By the act of 1888 the railroad commissioners were to be elected by the people. Nominations were therefore made by the Republican and Democratic conventions. The former met at Des Moines on the 22nd of August. Frank D. Jackson, James A. Lyons, and Voltaire P. Twombly were renominated for secretary, auditor and treasurer respectively, and the ticket was completed by the selection of Charles T. Granger for judge of the supreme court; John Y. Stone for attorney-general; Frank T. Campbell, Spencer Smith and John Mahin for railroad commissioners.

The Democratic ticket was as follows: For secretary, Walter McHenry; auditor, Daniel J. Okerson; treasurer, Amos Case; supreme judge, P. Henry Smythe; attorney-general, Joseph C. Mitchell; railroad commissioners, Peter A. Dey, Christian L. Lund and Herman E. Wills.

The Union Labor party nominated J. B. VanCourt for secretary of state; C. M. Farnsworth for auditor; James Rice for treasurer; M. H. Jones for supreme judge, and D. H. Williamson for attorney-general, but made no nominations for railroad commissioners.

Only part of a ticket was placed in the field by the Prohibitionists. James Mickelwait was nominated for secretary of state; Malcolm Smith for auditor; E. O. Sharpe for treasurer, and the Republican candidates for the other positions were endorsed. All the Republican ticket with the exception of one railroad commissioner was elected. For secretary of state Jackson received 211,577 votes; McHenry 180,455; Van Court 9,005; Mickelwait 2,690. Dey, Democrat, was elected railroad commissioner by a

majority of 1,190, being the first Democrat elected to a state office in Iowa for many years. Ten Republican and one Democratic congressmen were elected, the Republicans gaining one in the district formerly represented by Gen. James B. Weaver, who was this year the Greenback candidate for president. The vote for president was as follows: Harrison, Republican, 219,795; Cleveland, Democrat, 196,366; Weaver, People's Party, 20,595; Bidwell, Prohibitionist, 6,402.

The Prohibitionists opened the campaign of 1889 by holding a convention at Cedar Rapids on the sixth of June. Malcolm Smith was nominated for governor; J. O. Murphy, for lieutenant-governor; W. A. Maginnis, for judge of the supreme court;\* Mrs. C. A. Dunham, for superintendent of public instruction, and J. W. Noble, for railroad commissioner.

No further political demonstrations were made until the fourteenth of August, when the Republican convention met at Des Moines. A spirited contest for governor resulted in the nomination of Joseph G. Hutchinson on the twenty-sixth ballot; Alfred N. Poyneer was then named for lieutenant-governor; Henry Sabin, for superintendent of public instruction; Josiah Given, for supreme judge, and Spencer Smith, for railroad commissioner. The platform was devoted mainly to state issues. Governor Larrabee's administration was endorsed as wise, vigorous and courageous. The railroad policy of the administration was specially commended, and a demand was made for enforcement of the anti-trust and prohibitory laws.

On August 20, the People's party held their state convention at Cedar Rapids and nominated the following ticket: Governor, Elias Doty; lieutenant-governor, J. M. McDonald; judge of the supreme court, E. M. Farnsworth; superintendent, T. F. Tobin; railroad commissioner, Robert Garrett. There were made in the platform demands for free trade; for a secret ballot at all elections; for a government issue of paper money equal to fifty dollars per capita; for the restoration of fractional paper currency, and for the raising of all revenues by a direct tax upon the values of lands.

A Union Labor ticket was nominated by a convention at Des Moines on the fourth of September. S. B. Downing was chosen for governor; Ezra Brownell, for lieutenant-governor; L. H. Weller for supreme judge for the short term and M. H. Jones for the long term; Mrs. H. J. Bellangee, for superintendent of public

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\* Maginnis declined the nomination and J. W. Rogers was placed on the ticket in his stead.

instruction, and L. H. Griffith, for railroad commissioner. The platform favored the election of United States senators by popular vote; the Australian ballot system; the loaning of money by the government direct to the people on good security, and the reclamation by the state of all unused or unearned railroad land grants.

The Democratic convention met at Sioux City on the eighteenth of September. Horace Boies was nominated for governor; Samuel L. Bestow, for lieutenant-governor; William F. Brannan, for both the short and long terms, for supreme judge; Thomas M. Irish, for superintendent of public instruction, and David Morgan, for railroad commissioner. In the platform were made demands for a revenue tariff, for the Australian ballot, for a license law to regulate the liquor traffic, and for the repeal of the prohibitory law.

When the votes were counted, it was found that all the Republican candidates except governor were elected, Boies receiving 180,106 votes to 173,450 for Hutchinson. This was the first time since 1850 that a Democrat had been elected governor, the last Democratic governor before Horace Boies having been Stephen Hempstead.

Members of the twenty-third general assembly were chosen at this election. The senate consisted of 28 Republicans, 20 Democrats, 1 Union Labor, and 1 Independent. In one way the house was a tie. The Republicans elected 50 members, the Democrats 45, the Union Labor forces 4, and one Independent was chosen. If all the minority parties should unite, their strength would be just equal to that of the Republicans. And that is what happened when the assembly was convened.

## CHAPTER VII

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### The Boies Administration

**H**ORACE BOIES, the fourteenth state governor of Iowa, was born at Aurora, Erie county, N. Y., December 7, 1827.

His early life was spent on a farm and in attending school during the winter months. At the age of seventeen he went West, via the Great Lakes, landing at Racine with seventy-five cents in his pocket. Here he continued to work on a farm and attend school during the winter season, until he saved enough money to return to his native county to study law. In 1849 he was admitted to the bar, and from that time until 1867 practiced at or near the city of Buffalo. In 1858 he was elected to the New York legislature, as a Whig, but afterward became a Republican. He was defeated for district attorney of Erie county by two votes in 1864, and three years later removed to Waterloo, Black Hawk county, Ia., and resumed the practice of his profession. He was soon recognized as one of the foremost lawyers of Iowa. Becoming dissatisfied with the attitude of the Republican party on the tariff and the prohibition questions, he left the party and in 1884 supported Cleveland for the presidency. Since that time he has acted with the Democrats, his vigorous advocacy of his newly espoused principles soon winning for him a place among the national leaders of the party. When nominated for governor in 1889, he went into the canvass to win and was elected by a plurality of nearly 7,000 votes. Two years later he was re-elected by about the same plurality, but was defeated for a third term in 1893. While governor he won the general confidence by his administration of state affairs, and upon retiring from the office returned to his Waterloo home. His name was presented to the Democratic national convention for president in 1892 and again



in 1896, and each time he received considerable support. He owns a fine farm in Grundy county and has contributed a number of well written articles, on a variety of subjects, to the agricultural journals of the country.

When the twenty-third general assembly met, on the 13th of January, 1890, it was soon seen that all the members of the minority parties had formed an alliance to prevent the Republicans from organizing the house. A conference committee of the two contending forces agreed upon a plan for a temporary organization, but the Democrats and their allies refused to stand by the committee's report, because the temporary speaker was a Republican. The dead-lock continued until January 27, when the Republicans consented to a temporary organization with a Democrat as speaker and a Republican as clerk. Part of the agreement, at that time accepted by both parties, was that "At no time from the acceptance of this proposition to the final adjournment will either party offer to prevent from voting or to unseat any one on the secretary of state's list of members on account of apportionment of legislative districts, etc."\*

As soon as the temporary officers were installed the fight was renewed for the permanent organization. The Republicans had permitted the opposition to elect the speaker in the preliminary arrangement and did not feel disposed to make concessions a second time. But the allied forces were unyielding, and after the time of the session was half gone the Republicans, February 19, again gave up and the house was organized with J. T. Hamilton, a Democrat, as speaker. By the final agreement the Republicans got the chief clerk, the first choice of five standing committees and a majority of the subordinate positions. All this time the senate had been organized and waiting for the dead-lock in the house to be broken. The month of February was almost gone before all the features of the agreement between the two factions could be satisfactorily arranged, and the two houses met to hear Governor Larrabee's last message.

In that message the governor referred to the act of the legislature of 1888, in making appropriations of one hundred and two thousand dollars for a third insane asylum at Clarinda, and informed the legislature that the institution was opened in December, 1888, with two hundred and twenty-two patients taken from the old hospitals at Independence and Mount Pleasant. Another

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\* The legislative apportionment referred to in this agreement was made by the assembly of 1888, and was denounced by the Democrats in the campaign of 1890 as a gerrymander.

matter alluded to in the message was the act of the preceding assembly appointing a commission to select a site on the capitol grounds and build a foundation for a soldiers' monument and appropriating five thousand dollars to cover the expense. Governor Larrabee explained why the provisions of the act had not been carried out. Before any foundation could be constructed it was necessary to decide on a design for the monument, so that the foundation could be made to suit the design. The commission, therefore, offered three prizes for designs: The first was five hundred dollars, the second two hundred and fifty dollars, and the third one hundred and fifty dollars. Several designs were submitted, the successful contestants being, Mrs. Harriet A. Ketchum of Mount Pleasant, who won the first prize, Robert Kraus of Boston, the second, and J. D. Hunter, Jr., of New York, the third. The governor recommended the purchase of two blocks of land east of the capitol as a site for the monument, provided they could be secured at reasonable prices.

With regard to the prohibitory law Governor Larrabee said three thousand saloons had been closed under it since 1884, and cited Clinton and Keokuk as examples of how the law could be enforced in cities where the municipal officials were so inclined. He also recommended an amendment to the constitution, doing away with the elections in the odd numbered years, and electing all state officers at the same time congressmen were elected.

On February 27, Governor Boies was inaugurated. True to the platform upon which he was elected, he assailed the legislative apportionment act in his inaugural address, insisting in forcible but courteous language that the law ought to be revised so that the population of the districts would be more equal, and not allow twelve thousand people in one part of the state to elect a representative with as much power as another from a district where there were thirty-five thousand people. He stood up for the repeal of the prohibitory law, substituting a judicious license law therefor, and favored the adoption of the Australian ballot system.

While the dead-lock was on in the house, all parties held caucuses and nominated candidates for United States senator, for the term beginning March 4, 1891. The Republicans held their caucus on the 16th of January, and unanimously decided to support Senator Allison for re-election. The Democrats nominated Samuel L. Bestow, and the Union Labor and Independent members united on ex-Governor Larrabee. The final vote was taken March 4. In the senate Allison received 28 votes, Bestow

20 and Larrabee 2; in the house Allison 50, Bestow 41 and Larrabee 6.

Several important acts, one of which was the "joint-rate" law governing the charges of railroads where freight was shipped over two or more lines within the state, were passed during the session. On May 2, before the railroad commissioners had time to prepare a schedule of joint rates under this law, the Burlington, Cedar Rapids and Northern road applied to Judge Fairall for an injunction to prevent the commission from carrying out the provisions of the law. A temporary restraining order was granted, and arguments were heard on the 19th of June. On the 4th of July the commission announced a joint rate tariff, from which the Burlington, Cedar Rapids and Northern was exempted because of the pending suit. It was soon discovered that the short lines were faring badly under the new rates, and on July 31 the order was revoked by the board. August 15, a second schedule of joint rates was promulgated, and on the 23rd, Judge Fairall refused to dissolve the temporary injunction, thus casting doubt upon the constitutionality of the law. An appeal to the supreme court was immediately taken by the commissioners, and pending a hearing the railroads refused to obey the order of the board regarding the joint rates. In September it was discovered that the order of August 15, was not legally proclaimed, and the board prepared and published a third schedule to take effect October 25. At the same time the board instructed the attorney-general to bring suits against all the roads that refused to comply with the requirements of the October mandate. Several suits were brought late in the year, but had not reached a final hearing when the supreme court handed down a decision, in the case appealed from Judge Fairall's court, sustaining the constitutionality of the law, and all suits were compromised.

On June 26, the Republicans met in convention at Sioux City to name candidates for the several state offices to be filled at the November election. W. M. McFarland was nominated for secretary of state; James A. Lyons, for auditor; Byron A. Beeson, for treasurer; John Y. Stone, for attorney-general; James H. Rothrock, for supreme judge; G. B. Pray, for clerk of the supreme court; N. B. Raymond, for reporter, and J. W. Luke, for railroad commissioner. The principal planks in the platform were those opposing any compromise with the saloon; asking congress to pass laws strengthening the police power of states in their efforts to regulate, confine or prohibit public bar-rooms, and

congratulating the people upon the success of the state in regulating railroad rates.

The Democratic convention met at Cedar Rapids on the 6th of August and nominated the following ticket: Secretary, William H. Chamberlain; auditor, George S. Witters; treasurer, William L. White; attorney-general, Cyrus H. Mackey; supreme judge, P. B. Wolfe; clerk, E. J. Saukey; reporter, Theodore W. Ivory; railroad commissioner, Peter A. Dey. The platform declared continued adherence to the principle of state control of railways as expressed in the laws, and favored changes only to maintain just relations between carriers and shippers. The position of the party on the liquor question in 1889 was reaffirmed, and legislation was demanded to carry that policy into effect.

This year the Union Labor and Greenback parties united in the nomination of a ticket. Their joint convention was held at the capital on the 14th of August. E. P. Brown was named for secretary of state; C. F. Davis, for auditor; A. S. Blakely, for treasurer; T. F. Willis, for attorney-general; M. H. Jones,\* for supreme judge; Alfred Wooster, for clerk; D. J. Morris, for reporter, and J. M. Joseph, for railroad commissioner. The last general assembly was vigorously denounced for not enacting a law establishing the Australian ballot system.

The Prohibitionists held a convention at Des Moines, September 14, and nominated C. R. McFarlin, for secretary; R. A. Dorcus, auditor; J. C. Reed, treasurer; Caleb Dailey, railroad commissioner; Daniel B. Turney, judge of the supreme court; F. S. Spurrier, clerk, and F. S. White, reporter.

The result of the election was close, though the entire Republican ticket was elected by small pluralities. For secretary of state, McFarland, Republican, received 191,606 votes; Chamberlain, Democrat, 189,240; Brown, Union Labor, 8,813; McFarlin, Prohibitionist, 1,646, and a few scattering. In the election of congressmen the Democrats carried six districts and the Republicans five.

The election of Governor Boies in 1889 and a majority of Democratic congressmen in 1890, aroused a general interest in the political canvass of 1891. Four tickets were presented to the electors for their consideration. The campaign was opened by the Prohibitionists with a nominating convention at Des Moines on the 10th of June. Isaac F. Gibson was named for governor; J. G. Little, lieutenant-governor; D. B. Turney, supreme judge;

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\* Jones declined the nomination and George D. Porter was substituted by the committee.



Mrs. M. H. Dunham, superintendent of public instruction, and C. T. Hart, railroad commissioner.\* June 24th, the Democratic convention met at Ottumwa. Horace Boies was unanimously renominated for governor, and the ticket was completed by the selection of S. L. Bestow, for lieutenant-governor; L. G. Kinne, for supreme judge; J. P. Kusepfler for superintendent and Peter A. Dey for railroad commissioner. The platform declared in favor of the Australian ballot system; the election of United States senators by a direct vote of the people; liberal pension laws, and the restoration to the public domain of all unearned land grants. It opposed trusts and the importation of contract labor, and vigorously denounced the McKinley tariff bill and the extravagant appropriations of the last congress. It also demanded the repeal of the prohibitory liquor law; the free coinage of silver, and reaffirmed the policy of state control of railroads.

A week later the Republican convention assembled at Cedar Rapids, with a large representation of delegates and party leaders. Hiram C. Wheeler was nominated for governor; George Van Houten, for lieutenant-governor; Silas M. Weaver, for supreme judge; Henry Sabin, for superintendent, and Frank T. Campbell, for railroad commissioner. On national issues the platform endorsed the McKinley tariff bill, the Sherman silver law, and praised congress for redeeming pledges by their enactment. Liberal pensions were favored, and the passage of the Conger land bill and liberal appropriations to the World's Fair were recommended. Perhaps the strongest utterance in the whole declaration of principles was that relating to prohibition. On this subject it was proclaimed, that:

"In the interests of true temperance, and under the laws of Iowa, enacted by the representatives of the sovereign people, the saloon was made an outlaw in this state. We charge that the outlaw has had the patronage, counsel and protection of the Democratic party; that the Democratic party as it has won power has nullified the law, defied the authority of the state, and expressed will of the people, and that now appeal is made to the electors of the whole State for approval of its lawless work. . . . We renew our allegiance to the people of Iowa and submit to them the determination of the issue, promising that the control of the next legislature by the Democratic party means state-wide license, and that the control of the next legislature by the Repub-

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\* Mrs. E. G. Cline was afterward put on the ticket instead of Mrs. Dunham, and B. V. Draper in place of C. T. Hart.

licans means continued opposition to the behests of the saloon power through the maintenance and enforcement of the law."

The fourth ticket, that of the People's party, was as follows: Governor, A. J. Westfall; lieutenant-governor, Walter S. Scott; supreme judge, T. F. Willis; superintendent of public instruction, C. W. Bean; railroad commissioner, D. F. Rogers.

An exciting canvass followed the nominating conventions. Although national questions were discussed in the party platforms, by the press, and from the hustings, the campaign turned largely on local issues. The strong bid of the Republicans for the Prohibition vote had its effect, but it soon became evident that its negative action was equally as potent as its positive action, and that the party was in a fair way to lose as many votes on the issue as it would win, if not more. Only twice in the whole history of Iowa, to the close of the nineteenth century, was a heavier vote cast for governor than in 1891. The total vote was 420,212. Of this Boies received 207,594; Wheeler 199,381; Westfall, 12,303; Gibson, 915, with 19 reported as scattering. All the Democratic candidates for state offices were elected by pluralities ranging from 829 to 7,946. Members of the twenty-fourth legislature chosen at this election gave the Democrats 25 senators, the Republicans 24 and the Union Labor party 1. In the house there were 53 Republicans, 46 Democrats and 1 People's party.

This assembly met on the 11th of January, 1892, and remained in session until the 30th of March. W. O. Mitchell was elected speaker of the house, but some trouble was experienced in organizing the senate. A dispute arose over the Republican caucus nominees, and the Democrats refused to proceed until the organization was completed. Lieut. Gov. A. N. Poyneer managed to find enough Democrats "present but not voting," to form a quorum and organized the senate by electing J. W. Cliff, Republican, secretary, and filling the subordinate positions with Democrats.

On January 20, Governor Boies and Lieutenant-Governor Bestow were inaugurated, and on the following day the Democrats in the senate declared that the Republicans were in a minority and had no right to foist upon that body permanent officers chosen by the methods employed by Lieutenant-Governor Poyneer in counting a quorum of senators who were constructively absent. The next step was to reorganize the senate, which was done by the election of Samuel N. Parsons as secretary. This time the Republican senators refused to vote, answering "here" when the roll was called. The chair decided Parsons elected, however, and ordered the sergeant at arms to remove Cliff, which was done

accordingly. As an outgrowth of these conditions the Republicans submitted the following questions to the attorney-general:

"1. Has the senate power to pass upon and determine the election and qualifications of its secretary?

"2. Having elected one has it the power to remove and elect another?

"3. Has the district court of the state jurisdiction in such cases, or the officers so removed any redress?

"4. Can the right of Samuel N. Parsons to serve be subject to injunction proceedings?

"5. Is the speaker of the house justifiable under the law in refusing to concur with the president of the senate in certifying the election of Samuel N. Parsons as secretary?"

In his inaugural address the governor urged the passage of a license law to regulate the liquor traffic, and the adoption of the Australian ballot system in all elections. Strenuous efforts were made to enact a license law; and a bill, known as the Schmidt bill, passed the senate, but failed in the house.

General interest in the subject was awakened. On the 3d of March the State Temperance Alliance met at Des Moines, to influence, if possible, legislative action. They adopted resolutions setting forth that the election of a Democratic governor was not due to anti-prohibition sentiment; but chiefly to the fact that the Democrats brought the question to the front during the campaign, while the Republicans ignored it. It was declared that the people of the state were as strongly as ever in favor of prohibition, and that it was expected that the Republican members of the legislature would take no backward step on the bills then pending. It was further resolved that the passage of any of these bills giving "legal sanction to the outlawed saloon will be evidence that we can no longer look to the two leading parties for the protection of the home from the blighting curse of the saloon, and in such an event we recommend that the alliance call a convention of the friends of prohibition to decide upon a course of future action." The members of the convention also pledged themselves to give no political support to individuals or to party organizations not true to prohibition.

By the act of April 11, 1888, authorizing the erection of a soldiers' monument, the governor of the State, James Harlan, Samuel J. Kirkwood, George G. Wright, Edward Johnston and D. N. Richardson were appointed commissioners to carry out the provisions of the law. Mention has been made of the selection of a design which was approved by the assembly of 1890. An addi-

tional appropriation of five thousand dollars was made and E. Townsend and L. E. Mitchell were added to the commission. April 7, 1892, the legislature passed a bill appropriating all the money paid by the general government to the state of Iowa under the direct tax act of congress, August 5, 1861, except the amount due to the school fund, to the soldiers' monument commission, to be expended at the rate of fifty thousand dollars a year in the construction of the soldiers' monument, the total amount so expended not to exceed one hundred and fifty thousand dollars.

On March 17, the Republicans met in convention at Des Moines and selected delegates to the national convention, which was to meet at Minneapolis on the 7th of June. A second convention of the same party met at the same place, June 30, and nominated W. M. McFarland for secretary of state; Byron A. Beeson for treasurer; John Y. Stone, for attorney-general, and George W. Perkins for railroad commissioner. The platform and candidates of the national convention were endorsed, especially the tariff and silver planks, and demands for good roads and fair elections were made.

Two conventions were also held by the Democrats. The first, at Council Bluffs, May 11, selected twenty-six delegates to the national convention at Chicago, June 21, and instructed them to support Gov. Horace Boies as a candidate for the presidency. Resolutions declaring the tariff to be the paramount issue, and denouncing the protective system as an "invasion of the people's rights by monopolies, trusts and combinations," were adopted. The principles of free trade were pronounced sound, and the Republican policy of paying bounties to a favored few was condemned. The second convention met at Davenport on the 18th of August and nominated the following state ticket: For secretary of state, J. H. McConlogue; auditor, S. P. Vandyke; treasurer, Charles Ruwgnitz; attorney-general, Ezra Willard; railroad commissioner, W. G. Kent. The nominations of Cleveland and Stevenson, for president and vice-president, were endorsed; the Chicago platform was approved, and the party policy on the liquor question was reiterated.

Tickets were also placed in the field by the Prohibitionists and the People's party. S. H. Lott was the candidate of the former for secretary of state, and E. H. Gillette of the latter. The Prohibition platform declared in favor of the right of suffrage for all native born and properly naturalized citizens without regard to sex; protection of free labor from competition with convict labor; an educational and moral qualification for naturalization,



and the closing of the World's Columbian Exposition on Sundays. The People's party platform stood for a currency issued by the general government only, to be safe, sound and flexible, and to be distributed to the people at a rate of interest not to exceed two per cent in accordance with the Farmer's Alliance sub-treasury plan; for the free and unlimited coinage of silver; for an increase in the circulating medium to not less than fifty dollars per capita; for a graduate income tax; for postal savings bank; for government control of railroads; for telegraphs and telephones, and for the prohibition of alien landlordism. President Harrison was condemned for calling an international monetary conference to fix a value on silver, and nine Iowa congressmen were denounced for voting against free coinage.

At the election this year Iowa went back into the Republican column. The vote for president was as follows: Harrison, Republican, 219,795; Cleveland, Democrat, 196,366; Weaver, People's Party, 20,595; Bidwell, Prohibitionist, 6,402. For secretary of state McFarland received 219,464 votes; McConlogue 196,692; Gillette 20,356 and Lott 6,097.

By an act of the legislature, April 15, 1890, the executive council was authorized to appoint an exhibition committee, to be known as the "Iowa Columbian Commission." This commission was to consist of eleven members, one from each of the congressional districts, not more than six of whom were to be of one political party. The act also appropriated fifty thousand dollars toward defraying the expenses of an exhibit at the World's Fair of Iowa's products and achievements. In conformity with this act the executive council\* appointed the following members of the commission: First district, Edward Johnstone, of Keokuk; second district, H. W. Seaman, of Clinton; third district, F. N. Chase, of Cedar Falls; fourth district, James O. Crosby, of Garnaville; fifth district, James Wilson, of Traer; sixth district, J. W. Jamagin, of Montezuma; seventh district, Henry Stivers, of Des Moines; eighth district, S. H. Mallory, of Chariton; ninth district, Charles Ashton, of Guthrie Center; tenth district, John F. Duncombe, of Fort Dodge; eleventh district, William H. Dent, of LeMars.†

The appointees met, September 2, 1890, and organized by elect-

\* The executive council consists of the governor, secretary, auditor and treasurer of state.

† Several changes occurred in the personnel of this board during its term of service. In February, 1891, James Wilson died and was succeeded by S. R. Packard, of Marshalltown; Edward Johnstone, died in May, 1891, and Theodore Guelich, of Burlington, was appointed to the vacancy; Guelich died in January, 1893, and Dr. A. C. Roberts of Fort Madison, succeeded him.

ing Edward Johnstone, president; John F. Duncombe, vice-president; F. N. Chase, secretary, and William H. Dent, treasurer. In February, 1891, the board sent a committee to select a site for a state building. Iowa was the first state to apply for space and was allotted one and a half acres. The location selected was afterward found to be in foreign territory and was transferred to France and Ceylon, Iowa accepting in exchange the pavilion known as "The Shelter," in Jackson Park, which the commissioners obligated themselves to return to the city in good condition. By this arrangement Iowa was saved a considerable expense in the erection of a state building. An addition to "The Shelter" gave the state one of the coziest buildings on the grounds. It was favorably situated, and Miss Hutchinson, who had charge of the registry desk during the exposition, reported sixty thousand visitors, fifty thousand of whom were from Iowa.

An executive committee, consisting of S. H. Mallory, H. W. Seaman, and S. P. Packard, was appointed, soon after the organization of the Iowa commission, to make a careful estimate of amounts needed to give a creditable exhibition of Iowa's products, and report in time for legislative action at the session of 1892. This committee recommended an appropriation of three hundred and thirty-nine thousand dollars. Both the house and the senate committees reported favorably on bills appropriating three hundred thousand dollars but the amount was reduced by the general assembly to one hundred and twenty-five thousand dollars. Yet with this Iowa gave an exhibit that reflected credit upon the commissioners and won several awards.

The United States Commissioners for Iowa were Prof. W. F. King and Col. Joseph Eiboeck, with John Hayes and C. E. Whiting, alternates. The Iowa members of the board of Lady Managers were Mrs. W. S. Clark and Miss Ora E. Miller, the alternates being Mrs. Ira F. Hendricks and Miss M. B. Hancock.

The Iowa building was dedicated on the 22nd of October, 1892. It was formally opened with the rest of the great exposition on the 1st of May, 1893. During the fair special ceremonies were observed at the "Shelter" on several occasions. Foremost among these were the receptions to Miss Clara Barton, president of the American Red Cross Association, to Gov. Horace Boies, to the Iowa Press Association, and to the West Point Cadets. September 20 and 21 were Iowa days. On those two days thousands of people from the "Hawk-eye" state visited the exposition, the most of whom registered at Iowa headquarters.

In May, 1893, a controversy over the enforcement of the pro-

hibitory law at Muscatine, culminated in an attempt to blow up the residences of E. M. Kessinger, a retired capitalist, N. Rosenberger, attorney, and John Mahin, editor of the Muscatine Journal. All three had been active in prosecuting saloon keepers. Fifteen people were asleep in the three houses at the time the explosions occurred, and although the interior of the houses were completely wrecked no one was seriously injured. A large quantity of powder had been used, and the failure to completely destroy the houses and kill or maim the occupants was due to no lack of intention on the part of those who planned and executed the explosion. The county authorities offered a reward of two thousand dollars for information that would lead to the arrest and conviction of the miscreants. To this the people added five thousand dollars made up by popular subscriptions, people from all parts of the state contributing to the reward, and also to a fund for rebuilding the homes thus destroyed. A committee of indignant citizens waited upon the mayor and city council immediately after the explosion, with a peremptory demand that the saloons be closed in accordance with the provisions of the law. Four days later there was not a saloon in Muscatine.

On July 6, a tornado in Northwestern Iowa did serious damage. The center of destruction was at Pomeroy, a town of about nine hundred inhabitants, in the northern part of Calhoun county. Only nine houses in the town were left standing. Seventy-one people were killed and a large number hurt. Personal property of all sorts was left exposed, and the stricken village was soon infested with thieves. A call was made upon the governor for militia, and twenty-two men of Company G, Fourth regiment, under Lieut. W. T. Chautland, were dispatched to Pomeroy to protect the homeless people and their effects. Later Capt. C. W. King arrived and assumed command. He requested Governor Boies to send more troops, a request in which the mayor of Pomeroy and the sheriff of the county joined. Captain Hoffman of Company C, Fourth regiment, was sent from Webster City with twenty-two men and three officers to co-operate with Captain King. The troops remained at Pomeroy for a week, when order was restored and they returned to their homes.

Meantime a relief committee had issued a call for help. From all parts of the state contributions of money, food, clothing and building materials flowed in to relieve the storm-stricken village. Nearly seventy thousand dollars in cash was collected, a hundred homes were rebuilt, and aid was given to a hundred and fifty homeless families.

Another call on the national guard was made by the sheriff of Taylor county. Monday evening, September 25, the sheriff received a telephone call, notifying him that a mob of some forty or fifty determined men was forming at New Market, in the western part of the county, for the purpose of lynching John Crawford, then in jail at Bedford. The sheriff promptly communicated with the governor with the result that Captain Miller of Company I, Third regiment, was ordered to hurriedly collect as many of his men as possible and go to the assistance of the sheriff. The order was received by Captain Miller at half past nine o'clock and at twenty-five minutes past ten a cordon of troops was around the court-house. Five minutes after the guards were stationed, several wagon loads of men from New Market drove into the county seat. They were stopped and the situation explained to them—that if any attempt was made to take the prisoner from jail the militia would be ordered to fire—and about midnight they left Bedford for New Market. Fearing they might return, Captain Miller kept his men on guard until three o'clock in the morning, when they were dismissed by the sheriff with instructions to come to his relief again if an alarm should be sounded by ringing the fire bells. But no alarm was sounded, and at daylight the men were dismissed entirely. This prompt action on the part of the sheriff, and the equally prompt response of Captain Miller, doubtless saved Crawford's life and upheld the dignity of the law.

Four parties again presented tickets in the campaign of 1893. Again the Prohibitionists opened the campaign by holding a convention on the last day of May, at which B. O. Aylesworth was nominated for governor; J. C. Reed, lieutenant-governor; J. A. Harvey, supreme judge; Belle H. Mix, superintendent of public instruction, and D. H. Gillett, railroad commissioner. The platform insisted that the paramount issue was the annihilation of the traffic in intoxicating liquors, and demanded that the prohibitory law should be maintained and strengthened by provisions for enforcement by the state, where its enforcement was neglected by local officials. Demands were likewise made for woman suffrage; a tariff for revenue; and the free coinage of silver, the silver dollar to be equal to, and have all the power of, the gold dollar. Doctor Aylesworth, who was the president of Drake University, declined the nomination for governor, and Bennett Mitchell was placed on the ticket instead.

On August 16, the Republicans held a state convention at Des Moines and nominated the following ticket: For governor, Frank D. Jackson; lieutenant-governor, Warren S. Dungan;



supreme judge, Gifford S. Robinson; superintendent of public instruction, Henry Sabin; railroad commissioner, J. W. Luke. In the platform it was claimed that the party position on the tariff and reciprocity in the campaign of 1892 had been sustained; that the Democratic position had been proved false, and that the financial plight of the country was not due to the Sherman silver law, but to free trade. Gold and silver money as a tender for debts was favored, and congress was asked to provide gold, silver and paper dollars of equal value and debt paying power. Cheap or depreciated money was denounced, and state banks were opposed.

The Democrats met in convention at the capital on the 23d of August. Horace Boies was unanimously renominated for a third term, and the ticket was completed by the selection of Samuel L. Bestow, for lieutenant-governor; John Claggett, for supreme judge; J. B. Knoepfler, for superintendent of public instruction, and Thomas Bowman, for railroad commissioner. Tariff reform was asserted to be the crying need of the hour, and congress was urged to give the country speedy relief. The McKinley tariff and the Sherman silver law were both vigorously denounced, and a demand was made for the free coinage of both gold and silver at a ratio that would maintain a parity between the coins of the two metals.

On September 5, the People's party met and nominated J. M. Joseph, for governor; E. A. Ott, for lieutenant-governor; A. W. C. Weeks, for supreme judge; Mrs. E. J. Woodrow, for superintendent of public instruction, and John Idle, for railroad commissioner. The South Carolina method of dealing with the liquor traffic was approved and demands were made for the election of president and vice-president by a direct vote, and the taxation of mortgages. It was further resolved that "The one overshadowing, all-absorbing issue before the American people to-day is the question whether the debtors of the United States shall be allowed to pay their debts in the money of the constitution, or whether their homes and property shall be confiscated for the benefit of pirates. The only party that votes as a unit against the tricks of the millionaires is the People's party."

A convention of the Citizens State Temperance Alliance (an organization made up of persons opposed to the attitude of the Republican position on the prohibition issue), nominated L. S. Coffin for governor, but made no further nominations. A short time before the election, Coffin was withdrawn and Bennett Mitchell, the Prohibition candidate, submitted as the candidate of the Alliance.

At the election November 7, the entire Republican ticket was successful. For governor Jackson received 206,821 votes; Boies, 174,656; Joseph, 23,980, and Mitchell, 10,349. This was the first election under the Australian system, and many votes were thrown out because of defective markings. In Polk county alone nearly three hundred electors lost their votes through their failure to comply with some simple provisions of the law. It was observed, however, that all political parties suffered in about the same proportion, hence no objection could be offered to the operations of the law as giving some political organization an undue advantage. On the other hand the new system met with general approbation as a means by which the voter could cast an untrammelled ballot, to record the expression of a freeman's will. The law had come to stay, and by placing it upon her statute books, Iowa joined the phalanx of states that stand for modern methods of conducting fair elections.

## CHAPTER VIII

## Events from Jackson to Cummins

FRANK DARR JACKSON, fifteenth state governor of Iowa, was born at Arcade, Wyoming county, N. Y., January 26th, 1854. Upon the breaking out of the Civil war, his father entered the volunteer service as a first lieutenant in the Seventy-eighth New York infantry, and during the war his mother spent more than fourteen months at the front as a hospital nurse. This left Frank to the care of friends, but at the close of the war the family were reunited and removed to Jesup, Bunchanan county, Ia. Here he attended the common schools until he was sixteen years of age, when he entered the Iowa Agricultural college. After graduating from that institution, he entered the law department of the state university, from which he was graduated in 1874. The following year he began the practice of law at Independence, but in 1880 removed to Greene, Butler county, where he soon established a good business as an attorney, and at the same time became active in political work. During the nineteenth and twentieth sessions of the general assembly, he was secretary of the state senate, and in this position he formed many acquaintances throughout the state, that came to look upon him as a leader of the younger element in the Republican party. This feeling led to his nomination for secretary of state in 1884, and he was twice re-elected to that office. In 1886 he was one of the founders of the Royal Union Life Insurance Company, of Des Moines, and in 1893 was nominated and elected governor. At the close of his term he declined a renomination in order to devote his entire time to the interests of the insurance company with which he was connected.

The twenty-fifth general assembly was convened on the 8th of January, 1894. Henry Stone was elected speaker of the house, and after the inauguration the new Lieut.-Gov., W. S. Dungan, became the presiding officer of the senate. In his final message to the legislature, Governor Boies in the interest of better highways, urged the importance of a reform in the road laws of Iowa. On the liquor question, after reviewing the Ohio law, he said: "It is scarcely necessary to add that I believe the true policy for the state to adopt on this subject, is municipal and township local option, with carefully guarded laws for the control of the traffic wherever legalized by the vote of the electors."

Governor Jackson was inaugurated on the 11th of January. The following extract, regarding the wealth and resources of Iowa, is taken from his inaugural address: "The showing of Iowa at the Columbian Exposition has published the fact to the world that her resources are not only in the depth and richness of her soil, in the value of her corn, cattle and hogs, but in her dairy products, her mineral wealth, in the value and quality of her fruits, in her mighty railway systems, her stable financial institutions, and her magnificent public school system. When viewed in the light of comparison with older and more experienced states and governments this showing is a source of deepest gratification and highest congratulation. The exhibit of our manufacturing industries, though not extensive, gives positive indication that these great plants of prosperity and wealth have firmly imbedded themselves in Iowa soil." He recommended that laws should be enacted in a spirit of fairness, to protect the people and also to encourage capital to come to the state to assist in promoting its growing and diversified industries.

There was passed during the session a resolution again to submit to the people a prohibitory amendment to the state constitution. What was known as the "mulct law" was enacted. The principal provision of this law was an annual tax of six hundred dollars upon retail liquor dealers (except registered pharmacists), the tax to become a lien upon both personal property and real estate used in the business. This tax was to be levied in March, June, September and December of each year, and was payable semi-annually on the 1st day of April and October. Sales to dispose of the property of those delinquent with their last semi-annual payment were ordered on the 1st Monday in June and December. Further restrictions required the dealer to procure the consent of property holders within fifty feet of the place where the business was to be conducted, to confine the sales of liquor to



one room with a single entrance, and to employ no women about the place.

John H. Gear was elected United States senator to succeed James F. Wilson, receiving seventy-seven votes on joint ballot, to seventeen for Horace Boies and one for W. H. Butler.

The general assembly of 1892 had appropriated three thousand dollars, or as much of that sum as might be necessary, to provide for the better preservation of the battle flags of the Iowa regiments by placing them in glass cases, hermetically sealed, in the corridors of the capitol. June 10, 1894, Governor Jackson issued a proclamation, fixing August 10, as "Battle Flag Day," when the honored relics were to be removed from the arsenal to the capitol. In his proclamation the governor said:

"Let the subject of patriotism, as represented in the one hundred and thirty-three flags that led seventy thousand Iowa soldiers into battle, be the inspiring sentiment of the day, and I hereby request that all the people of this commonwealth refrain upon that day from unnecessary labor and join in appropriate exercises in commemoration of this patriotic occasion."

A committee of arrangements was selected, to prepare a programme of exercises, etc. This committee consisted of Adj. Gen. John R. Prime, Charles Aldrich, Philip Schaller, C. H. Smith and J. P. Patrick. A half fare rate was secured on all the railroads in the state, and a large concourse of old veterans and their friends gathered at the capital on the 10th of August to witness, or participate in, the ceremonies of escorting the flags to their final resting place.

At one o'clock in the afternoon the escort assembled at the arsenal where, as far as possible, each flag was given to the old color bearer who had borne it in active service a third of a century before. Lieut. Gov. W. S. Dungan made a short but appropriate address, as the flags were presented to the color bearers at the arsenal, in which he said:

"Iowa is proud of her citizen soldiery. She has shown this by many liberal laws upon her statute books. Proud of her military record, and of the fidelity, valor and patriotism of her sons, and regarding these flags as the best evidence of that record, of that valor and patriotism, and viewing their possession as a sacred trust, she has prepared receptacles in the rotunda of our new capitol for their deposit, consisting of hermetically sealed glass cases, where, it is hoped, they may be preserved in their present condition for long years if not for ages to come. There they will be in a position where the whole people of the state may look

upon them as often as they pass through the capitol, patriotic object lessons, not only to the present generation, but to our children and our children's children down the ages."

The procession then formed in three divisions, and, preceded by a platoon of police and the Des Moines Union band, started for the capitol. At the head of the parade rode the governor and his staff. The first division, under the command of Maj. John C. Loper, consisted of several companies of the Iowa national guard, the Boys Brigade and the Sons of Veterans. The second division, commanded by George A. Newman, department commander of the G. A. R., was made up of ex-soldiers, sailors and marines—not of Iowa—and was led by Carper's drum corps. Col. William T. Shaw commanded the third division which included the soldiers, sailors and marines of Iowa with the flags.

When the parade reached the capitol, the following order of exercises was carried out: 1. An address by Gen. J. W. Noble in calling the assembly to order. 2. Music by the Des Moines Union band. 3. Invocation by Rev. A. V. Kendrick. 4. Original poem by S. H. M. Byers. 5. Address by Maj. John F. Lacy in returning the flags to the custody of the state. 6. Response of Gov. Frank D. Jackson. 7. Martial music by Carper's drum corps. 8. Song, "The Star Spangled Banner" by Mrs. Jesse Cheek.

Major Lacey, in his speech presenting the flags to the governor, said in closing: "Today closes a chapter of the record of the war. We deposit these silent, yet eloquent memorials forever in the capitol. To the governor of our commonwealth we deliver them for the sacred keeping of coming generations, of a grateful, an honest, a patriotic and a Christian people."

In accepting the trust, on behalf of the state of Iowa, Governor Jackson replied, in part, as follows: "Veteran soldiers of Iowa, let me assure you that from beginning to end of that mighty struggle the great loyal heart of Iowa was always with you and for you. It was with you just thirty-three years ago today when the rebel forces at Wilson's Creek formed ten times and with glistening bayonets charged and recharged over the ground strewn with Iowa's dead and wounded, and ten times they were hurled back to death and defeat by an Iowa regiment which stood there like a wall of adamant. How the great heart of Iowa throbbed and swelled with joy and pride over this first heroic defense of the honor of our state and the glory of our flag. The heart of Iowa was with you at Shiloh, where Iowa soldiers fought with a heroism that is nursed only in the cradle of liberty, a heroism and

bravery never surpassed in all the war history of the world. It was with you at Donelson, where the flag of an Iowa regiment waves in everlasting glory and honor. The heart of Iowa was with you at Belmont and Pea Ridge, at Corinth and Prairie Grove, at Missionary Ridge and Atlanta. It was with you as you lay there in the trenches before Vicksburg. . . . That great heart is still with you, veteran heroes of Iowa, only it is a bigger and a stronger heart. It's the heart of more than two millions of people, extending to you here today God's blessings along with its lasting love, its gratitude and its honor. . . . In again assuming the care and protection of these precious emblems of liberty, let me assure you, veteran heroes, that the State of Iowa fully realizes and appreciates their priceless value. Here in Iowa's beautiful capitol they shall remain forever, forming a sacred altar around which will gather, in loving remembrance, the grateful hearts of more than two millions of people. As long as their faded folds shall hang together they shall teach the generations that are to follow, loyalty and bravery of Iowa's soldiers. And when the hand of Time shall have brushed away the last faded shred of these precious and priceless emblems, their memory shall remain forever an inspiration to deeds of honor, of heroism and of glory."

The year 1894 was an eventful one for the state of Iowa. Several calls were made upon the militia to uphold the civil authorities and maintain order. January 19, John T. Hazen, sheriff of Pottawattamie county, telegraphed Governor Jackson for an order to call out Captain Aitchison, of the Dodge Light Guards, and his company to prevent a mob from lynching one Leon Lozier, then in the Council Bluffs jail charged with a serious offense. Talk of lynching was freely indulged in during the afternoon, but Hazen paid very little attention to it. Early in the evening more men than usual began coming across the bridge from Omaha, and about ten o'clock a mob of some fifteen hundred persons surrounded the jail. The sheriff and mayor both ordered the crowd to disperse, but without avail. Then the fire department was ordered out to lay lines of hose and drench the crowd, but the mob threatened the firemen and stood ready to cut the hose. At this junction the sheriff called upon Captain Aitchison for assistance, and in eight minutes the captain had twenty-six men in the court-house where they were immediately sworn in as deputy sheriffs. They then marched out in front of the mob and to the jail, where the men were all stationed to the best possible advantage, with instructions to fire upon the rabble if any serious

demonstration was begun. When the guards were placed, the lights in the jail were extinguished. Not caring to venture into a dark building, in the face of loaded guns handled by well disciplined soldiers, the crowd began slowly to disperse and in an hour everything was quiet. At two o'clock in the morning Sheriff Hazen drove to the jail with a carriage, and with one of his deputies, Corporal McGargar and Sergeant Louis as guards, took Lozier to Glenwood, whence he was taken to the penitentiary at Fort Madison for safe keeping.

On the 14th of April word reached the authorities at Council Bluffs that several hundred men from the Pacific slope, belonging to what was known as the "Coxey army," were approaching that city on their way to the national capital. In some instances these men had taken possession of trains on the Union Pacific railroad, and several clashes had occurred with railroad operatives and town officials. Sheriff Hazen telegraphed to Governor Jackson asking for instructions, and called upon Col. C. E. Foster of the Fourth regiment for all the troops in the county. About the same time N. M. Hubbard, attorney for the Chicago and Northwestern road, made a demand upon the executive for protection to their property and train service.

Six companies of the Third, and two companies of the Fourth, regiment, Iowa National Guard, were commanded to hold themselves in readiness to proceed by special trains to Council Bluffs upon receipt of telegraphic orders. Governor Jackson then hurried to Council Bluffs to look into the situation. Soon after his arrival there the companies in waiting received marching orders, and when the industrial army, about one thousand strong under "General Kelly," arrived at eleven o'clock on the morning of the 15th, they found the troops drawn up in line to receive them and check any demonstration.

The industrials tried to establish friendly relations with the soldiers. Failing in this they remained in the cars until about the middle of the afternoon on the 16th when they formed a column and began their march eastward. Companies B and C of the Third regiment, under the command of Maj. W. H. Evans, were ordered to follow the "army" to assist the civil authorities along the route in maintaining order and protecting property. The remainder of the militia stayed at Council Bluffs until the evening of the 19th, when they were ordered home. The next day a mob of about five thousand disorderly people crossed over from Omaha, took possession of the railroad yards, and asserted their intention to seize trains and supplies for the "Coxeyites."



Business in Council-Bluffs was almost entirely abandoned. Sensational reports in the newspapers had the effect of attracting to the city a large number of turbulent characters to swell the mob. Little groups of citizens could be seen on nearly every street corner earnestly discussing the situation, which was hourly growing more serious. Orders were issued to the same companies of militia to be ready to return to Council Bluffs on short notice in case they were needed. On the 21st, which was Saturday, the mob from Omaha made another demonstration. A train was captured at Omaha, run across the bridge, and it was publicly announced that on Sunday a large crowd from the railroad shops and packing houses would carry out the threats made on Friday. But by Sunday the industrial army was well on its way toward the eastern border of Iowa, and no demonstration was made. On Monday the troops were relieved from further duty.

During the latter part of April, and all of the month of May, a strike of coal miners in Mahaska county caused the sheriff of that county some uneasiness. A number of miners at Evans and Muchakinock refused to join in the strike and continued at work. At the latter place were a number of negroes who armed themselves and threatened to take the law into their own hands if interfered with by the strikers. The conditions were such that the sheriff, T. J. Price, felt justified in calling on the governor for assistance. On the 28th he telegraphed Governor Jackson, who was then in Cincinnati, O., asking for troops. The governor ordered Colonel Wilkins, of his staff, and Adjutant-General Prime to go to Mahaska county, ascertain the circumstances, and, if they thought it necessary, order out sufficient militia to enforce the law and preserve the peace. Their investigations resulted in Companies A and H of the Third regiment's being sent to Evans, and Companies G and K of the Second, to Muchakinock. On Friday, June 1, the strikers held a meeting in the public square at Oskaloosa, at which it was decided to give a barbecue and grand demonstration on the following Sunday. But the presence of the troops dampened their enthusiasm, and the barbecue was a failure. Monday morning the troops were dismissed.

Another call was made on the militia by Sheriff W. C. Davenport of Sioux City during the strike of the American Railway Union. On the 2nd of July the excitement reached fever heat, and Sheriff Davenport called on Col. C. E. Foster of the Fourth regiment for all the troops in the county. Colonel Foster immediately ordered Companies H and L of the Fourth regiment to

assemble at the armory, and recommended to the governor that seven other companies be placed under orders. Later in the day a mail train on the Illinois Central road was held by the mob. Colonel Foster telegraphed the governor that he deemed it inadvisable to attack with the small force at his command and asked for more troops. Sheriff Davenport and fifteen of the leading citizens of Sioux City also sent telegrams to the governor, urging him to send reinforcements to Colonel Foster. The sheriff asked for all the Fourth regiment (except new Company K) and Company K of the First regiment. Seven companies of the Fourth, and Company K of the First, with a Gatling gun, were hurried to the scene of the disturbance, under the command of Colonel Wilkins. The arrival of the troops had a salutary effect upon the rioters, who ceased their disorderly conduct. The troops remained on duty till the 9th, when the situation had become sufficiently quiet to warrant their withdrawal.

On August 22, the corner stone of the soldiers' monument was laid by Grand Master Henry E. Fellows of the Masonic fraternity. Governor Jackson presided; James Harlan was the orator on behalf of the commission; George A. Newman, department commander, spoke for the Grand Army of the Republic, and an address was delivered by Thomas Hedge.

On September 21, another severe tornado swept over Northwestern Iowa, devastating a strip of country ten miles wide and a hundred and twenty miles long. Fortunately there were no towns in its path, yet ten people were killed, a hundred and fifty were injured, and great damage was done to crops and buildings.

Minor events for the year were disastrous fires at Ottumwa, Adair, Rowley, Belle Plaine, Shellsburg, Dubuque and several smaller towns. Altogether the loss by these fires was more than a million dollars. At Shellsburg only three business houses were left standing, and Adair suffered a similar experience. In October the Army of the Tennessee, in which there were so many Iowa regiments, held a reunion at Council Bluffs.

The political campaign for the election of state officers in 1894, was opened by the Prohibitionists in convention at Des Moines on the twenty-sixth of June. Bennett Mitchell was nominated for secretary of state; C. H. Gordon, for auditor; Mrs. A. E. McMurray, for treasurer; W. A. McGinnis, for attorney-general; J. W. Rogers, for supreme judge; M. W. Atwood, for clerk; Mrs. M. H. Dunham, for reporter, and Malcolm Smith, for railroad commissioner. The Mulct law was denounced to be an outrage, and the proposition to resubmit the prohibitory amendment

was declared to be a mendacious trick to palliate the outrage. There were made demands for an educational qualification for voters; civil service reform; liberal pensions; the repeal of the internal revenue laws; woman suffrage; the enforcement of Sunday laws, and the prohibition, by the Federal government, of the manufacture and sale of intoxicating liquors in the District of Columbia and in the territories.

The Republican state convention met at Des Moines on the twenty-fifth of July and named the following ticket: Secretary, Wm. M. McFarland; auditor, C. G. McCarthy; treasurer, John Herriott; supreme judge, Charles T. Granger and H. E. Deemer;\* attorney-general, Milton Remley; clerk, Christopher T. Jones; reporter, Benjamin I. Sallinger; railroad commissioner, C. L. Davidson. The platform condemned the Democratic tariff policy and favored a more stringent enforcement of the immigration laws, liberal pensions, and "the largest possible use of silver as money consistent with the permanent maintenance of equal values of all dollars in circulation."

On the second of August the Democrats met and nominated H. F. Dale for secretary; B. C. Benham, auditor; L. W. White, treasurer; John Claggett and Edward W. Mitchell, supreme judges; J. D. F. Smith, attorney-general; T. E. Ward, clerk; J. J. Shea, reporter, and John C. Cole, railroad commissioner. Allegiance to the principles enunciated in the national platform of 1892 was reaffirmed, and President Cleveland's administration was endorsed as carrying out those principles. Free coinage of both gold and silver was advocated; the A. P. A. and the Mulct laws were denounced, and local option was favored.

On September fourth the People's party held a convention at Des Moines and nominated Sylvanus B. Crane for secretary; J. Bellangee, auditor; Aaron Brown, treasurer; C. C. Cole and J. E. Anderson, supreme judges; A. W. C. Weeks, attorney-general; W. W. Pattee, railroad commissioner; Charles B. Faber, clerk, and J. J. Shea, reporter. Opposition to all United States bonds under any circumstances was one of the most prominent planks in the platform. Other declarations were for the free coinage of both gold and silver at a ratio of sixteen to one; the initiative and referendum; no discrimination on account of rank in pensions; a railroad passenger rate of two cents a mile, and a mileage book good on all railroads.

On the 1st of June the Iowa Prohibition Amendment League

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\* Deemer was nominated for the full term and Granger to fill a vacancy.

was organized—not as a political party—but to secure the resubmission and ratification of a prohibitory amendment in 1896.

All the Republican candidates for state offices, as well as the entire congressional delegation, were successful. For secretary of state McFarland received 229,376 votes; Dale, 149,974; Crane, 34,907; Mitchell, 7,457.

An act appropriating five thousand dollars for a monument commemorative of the Spirit Lake massacre of 1857, was passed March 30, 1894. Pursuant to the provisions of the act Governor Jackson appointed Cyrus C. Carpenter, John F. Duncombe, Roderick A. Smith, Abbie Gardner Sharp,\* and Charles Aldrich a commission to carry out the intent of the law. This commission met at the Duncombe House at Fort Dodge, where they organized and took the necessary steps to secure a site for the monument. The Okoboji South Beach Company donated a lot 100 by 180 feet, adjoining the Gardner cabin, which was still standing and was now the property of Mrs. Sharp. A second meeting was held on the twentieth of June, at the Gardner cabin, to select a design and open bids. The design selected was that of the P. N. Peterson Granite Company of St. Paul, Minn., which contemplated a shaft fifty-five feet high, with bronze tablets on each of the four sides, the whole to cost four thousand five hundred dollars. The tablet on the east side of the monument was to bear the names of those killed in the massacre; that on the west, a roster of the relief expedition under Major Williams; that on the south, a historical memorandum regarding the loss of Capt. J. S. Johnson and Private W. E. Burkholder and a list of those who escaped; that on the north, a representation of the great seal of the state and the words "Erected by the Twenty-fifth General Assembly of the State of Iowa." The completed monument as above described was accepted by the commission March 3, 1895, and later was dedicated with suitable observances.

In April, 1895, a miners' strike in Appanoose county rendered it necessary to call out the militia. Part of the miners refused to quit work and a convention of strikers at Centerville, the county seat, on the twelfth of the month, voted to go to Cincinnati, a mining town in the southern part of the county, and take out those working in the mines there. Fortunately, Capt. W. H. Ogle's company (Company E, Second regiment), was located at Centerville, and under the laws of Iowa the sheriff can call out any company within the county. Sheriff William Bray there-

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\* Mrs. Sharp was the Abigail Gardner carried into captivity by Inkpaduta.



fore called on Captain Ogle, at the same time notifying the state authorities what he had done. On the fifteenth part of those at work joined the strikers, the mines at Jerome closing down entirely. The prospects for an amicable settlement grew brighter, and on the seventeenth the troops were relieved by the sheriff's orders.

The general depression in business resultant upon the panic of 1893, affected the financial institutions of Iowa, in common with those in other parts of the country. In the spring of 1895 the banks throughout the state showed a large falling off in deposits and resources. None actually suspended, though the Buena Vista State Bank at Storm Lake was for awhile in the hands of a receiver.

Some innovations were seen in the political campaign, as a consequence of the agitation for the remonetization and free coinage of silver. A non-partisan free coinage convention met at Des Moines June 5, passed resolutions in favor of the free and independent coinage of silver, at a ratio of sixteen to one, without waiting for the consent of any other nation, and declared that the gold monometallists were seeking to fasten the gold standard on the country so the banks could control the circulating medium and consequently the industries of the nation.

A convention of free silver Democrats met at the same place the next day and passed similar resolutions. The silver question had been sprung in the meeting of the state Federation of Labor at Ottumwa on the 21st of May, but after considerable discussion the convention declined to act either for or against the proposition.

On June 11, the nominating convention of the People's party met at the capital and selected the following candidates: Governor, Sylvester Crane; lieutenant governor, A. R. Starrett; supreme judge, I. W. Ivory; superintendent of public instruction, L. B. Labor; railroad commissioner, E. J. Stason. The supreme court of the United States was denounced for the decision in the income tax cases, and the Federal district courts were denounced for granting injunctions in favor of corporations. The convention made demands for the restoration and free coinage of silver; the initiative and referendum; a graduated state income tax; a factory inspection law; a ten per cent on contracts payable in gold, and a state inheritance tax similar to that of New York or Illinois.

About a week later the Prohibitionists held their state convention. For governor, Francis Bacon was nominated; lieutenant-

governor, M. Patwood; supreme judge, J. W. Rogers; superintendent of public instruction, Mrs. L. D. Carhart; railroad commissioner, J. F. Johns. There was adopted a lengthy platform embracing the usual precepts regarding the liquor traffic; declaring in favor of a tariff for revenue; favoring the free coinage of both gold and silver; advocating government control of railroads, telegraphs, etc.; recommending restricted immigration; demanding the teaching of no foreign languages in the public schools, and supporting an income tax and a prohibitory amendment.

The Republicans held their convention at Des Moines on the 10th of July. Francis M. Drake was nominated for governor; Matt Parrott, for lieutenant-governor; Josiah Given, for supreme judge; Henry Sabin, for superintendent of public instruction; and George W. Perkins, for railroad commissioner. The platform charged the Democratic party with getting into power in 1892 under false pretenses, in that they had failed to give the country free trade, but had destroyed the reciprocity feature of the tariff system while professing to want larger markets for American products. International bimetallism was advocated, and the restriction of immigration and liberal pensions were favored.

On August 7th, the Democratic state convention, at Marshalltown, named W. I. Babb for governor; S. L. Bestow for lieutenant-governor; T. G. Harper for supreme judge; Lyman B. Parshall for superintendent of public instruction, and George Jenkins for railroad commissioner. The convention endorsed the acts of congress repealing the Sherman silver law and the McKinley tariff, as "works worthy of the history and prestige of the great Democratic party, and of a courageous Democratic administration." The Republicans were stigmatized as cowards for refusing to meet the issues of high license and local option.

A comparatively light vote was polled at the election in November, the total being nearly fifteen thousand less than the year before. Drake received 208,714 votes; Babb 149,428; Crane 32,189, and Bacon 11,014.

On January 13, 1896, the twenty-sixth general assembly met at Des Moines and continued in session until the 11th of April. Lieutenant-Governor Dungan called the senate to order, but was soon succeeded by the newly elected lieutenant-governor, Matt Parrott. H. W. Byers was elected speaker. The senate consisted of 43 Republicans and 7 Democrats, and the house of 80 Republicans and 20 Democrats. Governor Drake was inaugurated as soon as the two houses were organized.

Francis Marion Drake, sixteenth governor of the state of Iowa, was born at Rushville, Ill., December 30, 1830. In 1837 his parents removed to Fort Madison, Ia., where he attended the public schools until he was sixteen years of age, when his father removed to Davis county and founded the town of Drakeville. When Francis was twenty-two years old, he led a train of ox-teams and a party of about twenty men across the plains, defeating a war party of three hundred Pawnee Indians on the way. Two years later he again crossed the plains to Sacramento with a drove of cattle. As he was returning by water, the steamer *Yankee Blade*, was wrecked, and he came near losing his life. He next engaged in mercantile pursuits at Drakeville, in partnership with his father, and later by himself at Unionville in Appanoose county. When the Civil war began, he raised a company in the independent regiment of Colonel Edwards for the defense of St. Joseph, Mo., against General Price. In 1862 he was commissioned colonel of the Thirty-sixth Iowa infantry. At Elkins Ford, Ark., he distinguished himself by his defeat of the Confederate forces under General Marmaduke. After the war he read law with Amos Harris at Centerville, but soon became interested in railroad building and in banking operations, being elected president of the First National Bank at Albia and of the Center National Bank. He also served as president of the board of trustees of Drake University at Des Moines, which institution he has generously endowed. Liberal contributions to Iowa College at Grinnell and to Wesleyan College at Mount Pleasant, bear further testimony of his interest in the cause of education.

Ex-Governor Kirkwood and Judge George G. Wright, two members of the soldiers' monument commission, having died since their appointment, Governor Drake, in his inaugural address paid this tribute to their memory: "Both these men served their generation and future generations faithfully and well. Integrity and devotion to duty were characteristic of each of them, and their sturdy manliness and thorough sincerity made them beloved by all the people. Among the careers which in all the days of the commonwealth shall most illumine its history and furnish felicitous lessons for its youth will ever be those of George Grover Wright and Samuel Jordan Kirkwood."

The legislature of 1894 passed an act authorizing the appointment of a battle field commission to ascertain the location of the Iowa regiments at Chickamauga and Chattanooga and report to the next legislature. Governor Jackson appointed on the commission, J. D. Fegan, F. P. Spencer, H. G. Ankeny, A. J. Mills and

John A. Young. When the legislature of 1896 met, the committee made a report, recommending an appropriation of twenty-five thousand dollars for the erection of monuments upon the ground occupied by Iowa troops. In accordance with this recommendation, an appropriation of thirty-five thousand dollars was made on the 9th of April, 1902, the battle-field of Missionary Ridge being included.

On January 20 the question of resubmitting a prohibitory amendment came up. Committees of both houses reported in favor of its adoption, and agreed upon June 3 as the time for a special election, but the proposition was defeated in both branches of the assembly.

In his message to the legislature of 1894, Governor Jackson said: "The highest welfare of our state demands a thorough and careful revision of our revenue laws to the end that all property shall pay its just share of the expenses of the state, and that sufficient revenue shall be raised to maintain our state in the position in which it belongs, at the head of the progressive and intelligent states of our union."

He recommended taxes upon franchises, express companies and inheritances as means of increasing the revenues of the state without adding to the burden of the individual tax payer. Nothing was done at that session, but the assembly of 1896 provided for the taxation of express companies and the stock of certain corporations; for increased various fees, and for taxes upon insurance companies. William B. Allison was re-elected United States senator at this session for the term beginning March 4th, 1897.

When the Sioux City and St. Paul railroad was projected, a grant of about twenty-two thousand acres of land in O'Brien and Dickinson counties was given to the company under certain conditions. These conditions were not complied with, the land reverted to the public domain, and on the 27th of February, 1896, was opened for settlement. When the Federal land office opened on that morning, nearly twelve hundred men and women were in line, some of them having stood in the streets about the building all night, and numerous altercations had ensued. Among them were many who had bought lands in good faith from the railroad company. These were granted the preference in the location of claims, thus giving them a chance to save their homes already established.

On March 28, the battle-ship Iowa was launched at Philadelphia in the presence of Governor Drake and his staff and thirty



thousand people. Miss Mary Lord Drake, daughter of the governor, had been selected to christen the vessel. Standing on a platform at the bow, with a bottle of champagne in a little net-work of gold cord, she waited for the critical moment. Far down below could be heard the sound of hammers knocking away the stays. At fourteen minutes past one o'clock the great mass gave a slight tremor and started slowly forward. The golden net-work swung through the air, accompanied by the sound of breaking glass, the prow of the good ship was baptized in the sparkling liquor, the huge leviathan glided gracefully down the ways and plunged into the watery element that was henceforth to be its home. A friend remarked to Senator Allison, "That was a beautiful launch." To which the Senator responded, "Iowa never does anything by halves." The Iowa legislature in session at the time made an appropriation of five thousand dollars to buy a silver service for the ship, which was formally presented at Newport, R. I., on Monday, July 19, 1897.

In the political campaign of 1896, the Republicans took the initiative by holding a convention on the 11th of March to select delegates to the national convention at St. Louis. A resolution, instructing the delegates to support William B. Allison for president, was unanimously adopted. On the 15th of July another convention of the same party met at the capital to nominate candidates for the various state offices to be filled at the November election. G. L. Dobson was named for secretary of state; C. G. McCarthy, auditor; John Herriott, treasurer; Milton Remley, attorney-general; Scott M. Ladd, supreme judge; E. A. Dawson, railroad commissioner. The work of the St. Louis convention, both as to candidates and platform, was approved, while that of the Democratic national convention was denounced as revolutionary.

The People's party (or Populists as they were now generally called,) met at Des Moines, April 22, and selected delegates to the national convention of that party. These delegates were instructed to work for a union of all the reform forces, and particularly for the initiative and referendum. They met again on the 10th of September, but made no nominations, an agreement having been reached by which the party supported the Democratic national and state tickets.

Two conventions were held by the Democratic party. The first met at Des Moines on the 20th of May, for the purpose of naming a delegation to represent the state in the national convention at Chicago on the 7th of July. Two-thirds of the convention

were in favor of the free coinage of silver. The delegates were instructed to work for the nomination of Horace Boies, for president. The second convention met at Ottumwa, August 12, and nominated a Fusion ticket. Three of the presidential electors and the candidate for state auditor were Populists, and a Free Silver Republican was named for railroad commissioner. The ticket was as follows: Secretary, L. H. Carr; auditor, G. W. Davis; attorney-general, William D. Boies; treasurer, Charles Ruegnitz; supreme judge, R. L. Bolter; railroad commissioner, (short term) Thomas J. Denson, (long term) Amos Steckel. The candidates, declarations and rulings of the Chicago convention were all approved, and a call was extended to all who desired financial relief to co-operate with the party to secure it.

Only one convention was held by the Prohibitionists. It met at the capital on the 13th of May, and was the largest ever held in the state by that party up to that time. Three hundred delegates and a large number of visitors were in attendance. This manifestation of interest was due in a great measure to the defeat of the prohibitory amendment by the last legislature. William G. Wright was named for secretary; J. W. Wonders, auditor; E. J. Bye, treasurer; Samuel Holmes, supreme judge; William Pelle, attorney-general; F. M. Ford, railroad commissioner.\* The platform favored the free coinage of silver at the ratio of sixteen to one; an income tax; restriction of immigration; international arbitration; the enforcement of Sunday laws; the governmental control of railroads, etc.; the initiative and referendum, and denounced the mulct law in unmeasured terms.

On August 4th, the National or "Narrow-gauge" Prohibitionists met in convention at Marshalltown, nominated presidential electors for their candidates Bently and Southgate, and endorsed the regular Prohibition state ticket.

A call for a convention at Des Moines on the 26th to select delegates to the convention at Indianapolis, was issued by the National, or Gold Standard, Democrats, on the 7th of August. Resolutions condemning the Chicago platform and declaring in favor of an independent Democratic presidential ticket were adopted.

The Socialist Labor party nominated the following candidates for state offices: Secretary, J. B. Welzenbach; auditor, J. B. Travis; treasurer, W. A. F. Westphal; railroad commissioners, C. H. Jensen for the short term and A. Rindler for the long term.

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\* Ford afterward withdrew and the vacancy on the ticket was filled by the appointment of C. E. Boardman.

For the first time in the history of Iowa, the total vote exceeded half a million. The whole number of votes cast for president was 521,547. The vote was divided among six candidates, as follows: McKinley, Republican, 289,293; Bryan, Democrat, 223,741; Palmer, National Democrat, 4,516; Levering, Prohibitionist, 3,192; Bentley, National Prohibitionist, 352; Matchett, Social Labor, 453. For secretary of state, Dobson received 288,715 votes; Carr, 224,812; Wright, 3,533; Welzenbach, 482.

Fire broke out in the main building of the Institute for Feeble Minded Children at Glenwood, on the 29th of August, and was well under way when discovered. There were five hundred and ten inmates at the time, and the attention of the seventy teachers and the attendants was directed to the work of saving the children. This was accomplished, but the building which had been erected in 1892 at a cost of eighty-five thousand dollars was totally destroyed.

On the 1st of October a great fete celebrating the fiftieth anniversary of Iowa's admission into the Union, was given at Burlington. The day was devoted to speechmaking and a great civic parade, and at night a river carnival was witnessed by twenty thousand people. The central figure of the carnival was a large barge, used as a fortress, which was attacked by about a hundred small boats with artillery in the form of Roman candles. The celebration lasted several days, one day being set apart for a reunion of old settlers. Many interesting reminiscences were related on that occasion by the old pioneers, some of whom had lived in Iowa during its entire half century of state-hood.

The legislature of 1894 passed an act providing for the appointment of a non-partisan commission of five persons to revise and recodify the laws of the state. Two members were to be appointed by the house of representatives; two by the supreme court, and one by the state senate. The senate named Emlin McClain, the house, John Y. Stone and Charles Baker, and the supreme court, H. S. Winslow and H. F. Dale. The original intention was to have the revised code reported to the next session of the legislature, and an explanatory report was made to the regular session of the twenty-sixth assembly in 1896, but the usual time for adjournment found the work of revision incomplete.

Governor Drake, in December, 1896, issued a call for an extra session, to meet on the 19th of January, 1897, for the purpose of making an appropriation to rebuild the Glenwood Institute for Feeble Minded and finish the work of codification. Near the close of the session a joint committee of five was appointed to

report a bill for annotating, editing, publishing and distributing the new code. Under the bill recommended by this committee and passed by the assembly, E. C. Ebersole was elected editor. Senators James H. Trewin and Lyman Ellis and representatives, Parley Finch, W. W. Cornwall and John T. Power were appointed a committee to have general supervision of the preparation and publication. The code was adopted as complete on the 1st of July and by the provisions of the constitution took effect ninety days later. Through the work of this commission Iowa was given one of the best codes in the Union.

On March 10, the special session passed an act appropriating one hundred and twelve thousand nine hundred dollars to rebuild the Glenwood Institute, and on May 10, passed an act abolishing the soldiers' monument commission and transferring the duties of that body to the executive council. The extra session adjourned May 11, to July 1, when it reassembled, adopted the new code, which was now complete, and the next day adjourned *sine die*.

Leaders of the Democratic and Populist parties and the free silver contingent of the Republican party, held a conference early in the season and reached an agreement by which all were to hold conventions at Des Moines on the 23d of June. Each convention adopted its own platform, but all united in the nomination of the same ticket, viz: Governor, F. E. White; lieutenant-governor, R. B. Plummer; supreme judge, L. G. Kinne; superintendent of public instruction, G. F. Rhinehart; railroad commissioner, S. B. Crane.

A portion of the Populist party, calling themselves "Middle-of-the-road" Populists, refused to abide by the action of the Des Moines convention. They got together on the 19th of August, nominated Charles A. Lloyd for governor; D. L. Perkins, lieutenant-governor; J. A. Lomburg, supreme judge; William Blain, superintendent; L. H. Griffith, railroad commissioner, and reaffirmed their allegiance to the Omaha platform.

The Gold Standard wing of the Democratic party likewise refused to support the fusion ticket and nominated one of their own, as follows: Governor, John Claggett; lieutenant-governor, S. H. Mallory; supreme judge, W. I. Babb; superintendent, J. B. Knoepfler; railroad commissioner, Peter A. Dey.

On July 27, the Prohibitionists met at Des Moines, nominated Dr. E. L. Eaton,\* for governor; M. W. Atwood, lieutenant-gov-

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\* After the convention it was discovered that Dr. Eaton had not been a resident of the state long enough to be eligible to the office, whereupon he withdrew in favor of S. P. Leland.



ernor; N. T. Hellyer, supreme judge; Mrs. M. H. Dunham, superintendent, and A. U. Coates, railroad commissioner.

The Republican ticket was nominated at Cedar Rapids on the 18th of August and was as follows: For governor, Leslie M. Shaw; lieutenant-governor, J. C. Millman; supreme judge, Charles M. Waterman; superintendent of public instruction, Richard C. Barrett; railroad commissioner, C. L. David.

M. J. Kremer was the Socialist Labor candidate for governor, and the platforms of all the parties were chiefly made up of reiterations of their declarations in 1896.

Shaw received 224,729 votes; White, 194,853; Lloyd, 5,295; Claggett, 4,296; Leland, 8,243, and Kremer, 876. In the legislature of 1898 the Republicans had a majority of forty-three on joint ballot. This assembly met January 10, 1898, and on the 13th the administration of Governor Drake came to an end and that of Governor Shaw began.

Leslie Mortier Shaw, seventeenth governor of Iowa, was born at Morristown, Vt., November 2, 1848. His early education was acquired in the public schools and academy of his native town. At the age of twenty-one he went to Iowa, where he paid his way through Cornell College, by selling fruit trees and working in the harvest fields, graduating in 1874. Two years later he graduated from the Iowa College of Law, and located at Denison to engage in the practice of his profession. Becoming interested in banking enterprises, he was elected president of the bank of Denison and also of the bank of Manilla. Although interested in political movements, he never became specially active or prominent until the campaign of 1896, when he was elected governor and was re-elected in 1899. In 1898 Simpson College conferred upon him the degree of LL. D. After the assassination of President McKinley, he was appointed secretary of the treasury to succeed Lyman J. Gage.

Appropriations amounting to one million one hundred and sixty-five thousand dollars were made by the legislature of 1898, five hundred thousand dollars of which was to constitute a war fund in the event congress should declare war against Spain. April 21, in expectation of such a declaration, the adjutant-general began to prepare the Iowa national guard for mobilization. He issued orders to discharge all those whose family connections would interfere with military duty; to secure the written consent of parents or guardians of all members of the guard under twenty-one years of age, to discharge all minors from the service if this

consent could not be obtained, and to enlist recruits to fill each company up to not less than forty-five men. The state fair grounds were secured for a camp in case the call for troops should be made.

On the 23d the president called for one hundred and twenty-five thousand men, but no call was made directly upon Iowa for any definite number. The several companies of the national guard were assembled at their armories, however, and held in waiting until late in the afternoon of the 25th, when Governor Shaw received the following telegram from Washington:

"The number of troops from your state, under the call of the president dated April 23, 1898, will be three regiments of infantry and two light batteries of artillery. It is the wish of the President that the regiments of the national guard or state militia be used as far as their numbers will permit, for the reason that they are armed, equipped and drilled. Please wire me as early as possible what equipment, ammunition, arms, blankets, etc., you have, and what additional you will require. Please also state when troops will be ready for muster into United States service. Details to follow by mail.

"R. A. ALGER, SECRETARY OF WAR."

As soon as this telegram was received, orders were telegraphed to the captains of the forty-eight different companies to report immediately to Governor Shaw at the state fair grounds (Camp McKinley), each man providing himself with two days' rations. All four regiments of the national guard had been ordered to report; but, as the call was for only three regiments, an effort was made to absorb one regiment into the other three. But the friends of each regimental organization objected to this arrangement, and further action was delayed until the matter could be referred to the war department. On the 30th the following telegram, which furnished a solution to the problem, was received:

"Your apportionment is three regiments of infantry and two light batteries; total maximum strength of all grades, commissioned, non-commissioned and enlisted, of three thousand three hundred and twenty-eight. I now authorize this changed to four regiments of infantry, each composed of eighteen field, staff and non-commissioned staff officers, twelve companies, each composed of three officers and sixty-five enlisted men; total aggregate strength of all grades 3,336 and no more.

"R. A. ALGER, SECRETARY OF WAR."

Some further delay was caused in recruiting the regiments up to the number required by this order, so that it was the 17th of May before the first regiment was ready to be mustered into the service of the United States. Each regiment of the national guard was selected as a basis for one of those to be supplied under the call, and they were numbered from the Civil war. Thus the First regiment of the national guard became the Forty-ninth Iowa volunteer infantry; the Second, the Fiftieth, the Third, the Fifty-first, and the Fourth, the Fifty-second.

The Fiftieth was the first to complete its organization and was mustered in on the 17th of May, with Douglas V. Jackson, of Muscatine, colonel; Elliott E. Lambert, of Newton, lieutenant-colonel; John T. Moffitt, of Tipton, John Tillie, of Muscatine, and Harry J. Laughlin, of Ottumwa, majors. On May 21, under orders, it left Des Moines for Tampa, Fla., but at Thomasville, Ga., Colonel Jackson received a telegram changing the destination to Jacksonville. There the regiment was in camp from May 24 to September 13, when it was ordered back to Des Moines. The men were given a furlough until late in November, when they were called together and mustered out.

The Fifty-second was mustered in May 25. William B. Humphrey, of Sioux City, was the colonel; Isaac R. Kirk, of Mason City, lieutenant-colonel; Sanford R. Parker, of Hampton, Otto Hill, of Boone, and William A. Kirk, of Sioux City, were majors. On the 28th it was ordered to Chickamauga Park, Georgia, where it was assigned to the Third brigade, Second division, and Third corps. The regiment remained at Chickamauga until August 28, when it was ordered back to Des Moines, and was mustered out on the 30th of October.

On May 30, the Fifty-first regiment was accepted by the government. At the time it was officered as follows: Colonel, John C. Loper, of Des Moines; lieutenant colonel, Marcellus M. Miller, of Bedford; majors, William J. Duggan, of Creston, John T. Hume, of Des Moines, and Sterling P. Moore, of Villisca. This was the only Iowa regiment that saw active service during the war. On June 5 it left Des Moines for San Francisco, where it remained in camp until November 3, when it embarked on the transport "Pennsylvania," and on the 7th of December reached Manila, Philippine Islands. They remained on board the transport, maneuvering about Manila, Iloilo and Cavite, until February 3, 1899. Six days later for the first time the regiment was under fire at the occupation of San Roque. From that time until the 1st of September, it was almost constantly on the firing

line. In the fifteen engagements in which the regiment participated, the casualties were one killed and thirty-eight wounded. This slight loss can be attributed more to the bad marksmanship of the Filipinos than to any lack of exposure on the part of the men, who never shirked when there was fighting to be done. On September 22, the regiment was ordered on board the transport *Senator*, at Manila, for the homeward voyage. About noon on Sunday, October 22, the *Senator* steamed through the Golden Gate at San Francisco. On the pier stood a party of twenty-three Iowans, among whom were several ladies and prominent state officials, to welcome the Fifty-first home. The next day the men landed and went into camp at Presidio, where they remained until November 2, when they were mustered out and sent back to Iowa.

The Forty-ninth regiment was mustered in on the 2nd of June. William G. Dows, of Cedar Rapids, became colonel; Clifford D. Ham, of Dubuque, lieutenant-colonel; Samuel E. Clapp, of Toledo, Benjamin F. Blocklinger, of Dubuque, and Frank R. Fisher, of Waterloo, majors. On June 11, the regiment left Des Moines for Jacksonville, Fla., where it was assigned to the Third brigade, Second division, Third army corps. October 25 it was ordered to Savannah, Ga., and on the 19th of December it went on board the transport *Minnewaska* bound for Havana. From the 23d until New Year's day the regiment was employed in guarding Havana's water supply and doing provost duty. January 1, 1899, it participated in the ceremony of the flag exchange, upon the evacuation of Havana by the Spaniards, and passed in review before General Brooke and his staff. Six companies, A, C, F, H, I, and K, were ordered home on the 5th of April, to be mustered out, and four days later the remainder received the same orders. The regiment was mustered out at Savannah, Ga., May 13, 1899.

On May 29, 1898, a second call for men was issued by the president. This time no new regimental organizations were demanded from Iowa, but the state was required to recruit 1,968 men to bring the organizations already in service up to the maximum. This was done in a few weeks, and on the 18th of June the war department called on Iowa for two batteries of light artillery. Several batteries offered themselves, but the Fifth Iowa battery of Cedar Rapids, commanded by Capt. George W. Bever, and the Sixth battery of Burlington, commanded by Capt. Frank S. Long, were finally selected and ordered to report at Camp McKinley by the 30th of June. Each battery had three officers and 106 men. On July 8 they were mustered into the



service of the United States, but were never called on to perform any duty, remaining in Camp McKinley at Des Moines until September 5, when they were discharged.

During the month of June, 1898, Capt. Frank E. Lyman recruited a volunteer signal company of fifty men, and left Camp McKinley on the 25th of the month for Washington, D. C., where they remained in camp until mustered out, April 18, 1899.

On June 28, Amos W. Brandt was commissioned to organize a company of colored immunes. The company was completed in about two weeks and on the 17th of July left Des Moines for Jefferson Barracks, Missouri, where it was mustered into the United States service as Company M, Seventh United States infantry. It was discharged at Macon, Ga., February 28, 1899.

Of the five hundred thousand dollars appropriation made by the legislature, one hundred forty-nine thousand five hundred eighteen dollars and forty-six cents was used in mobilizing and equipping the troops, and the balance remained in the state treasury untouched. Of the amount expended ninety-one thousand four hundred thirty-eight dollars and seventy-eight cents was refunded by the general government.

Five tickets were presented to the voters in the campaign of 1898. The first nominations were made by the "Middle-of-the-road" Populists at Des Moines on the 2nd of June. Only thirty-four delegates were present. R. M. Daniel was named for secretary of state; C. A. Wicks, for auditor; A. M. Hutchinson, for treasurer; L. H. Weller, for supreme judge; J. A. Lowenberg, for attorney-general; Joseph Ash, for railroad commissioner.

On June 28 and 29, the Prohibitionists held their state convention at the capital. The Mulct law was declared to be contrary to good government, and the convention favored "prohibition with a prohibition party back of it." The ticket nominated was as follows: Secretary, Malcolm Smith; auditor, Edgar Brintnall; treasurer, J. C. Reed; supreme judge, H. F. Johns; attorney-general, Samuel Holmes; railroad commissioners, R. M. Riehl for the short term and A. M. Johnson for the long term; clerk of the supreme court, Bertha J. Bowers; reporter, Benjamin Radcliffe.

The Republican convention met at Dubuque on the 1st day of September; George L. Dobson was nominated for secretary of state; Frank F. Merriam, auditor; John Herriott, treasurer; Milton Remley, attorney-general; Horace E. Deemer, supreme judge; C. T. Jones, clerk; Benjamin I. Sallinger, reporter; Welcome Mowry, railroad commissioner for the full term and

David J. Palmer for the short term. The platform declared for the gold standard, reciprocity, and the construction of the Nicaraguan canal, and endorsed the methods of the national administration in conducting the war with Spain.

On the 7th of September a Fusion convention, consisting of Democrats, one wing of the Populist party and the Free Silver Republicans, met at Marshalltown. The following was adopted as part of the platform: "We impeach the Republican party of criminal insincerity in declaring for bimetallism in its national platforms of 1888 and 1892 and for international bimetallism in 1896 and now in its latest state platform unequivocally committing itself to the gold standard." The nominees were: Secretary, Claude R. Porter; auditor, E. H. Gillette; treasurer, Nils Anderson; supreme judge, W. A. Spurrier; attorney-general, J. M. Parsons; clerk of the supreme court, E. R. Perkins; reporter, W. A. Ferren; railroad commissioners, Anthony Hanson for the long term and H. E. Wills for the short term.

The fifth ticket was that of the Social Labor party, and was made up as follows: A. C. Swanholm, secretary; Claude Bonner, auditor; Augustus Westphal, treasurer; M. J. Kremer, attorney-general; John Wellendorf, supreme judge; Augustus Lelonech, clerk; Chas. Schernickan, reporter; Peter Lohse, railroad commissioner for the short term and C. Hostrup for the full term.

All the Republican candidates for state offices and eleven Republican congressmen were elected in November. For secretary of state, Dobson received 236,524 votes; Porter, 173,000; Smith, 7,559; Daniels, 3,472; Swanholm, 1,081. A proposed amendment to the constitution, providing for a new basis of representative apportionment, was defeated.

Iowa played an important part in the Trans-Mississippi Exposition at Omaha in 1898. February 17, 1896, the general assembly passed a resolution asking the Iowa members in congress to vote and work for national recognition of the exposition. On the 17th of April the same year, an appropriation of ten thousand dollars to defray the expenses of a state exhibit was voted, and a commission consisting of one member from each congressional district was authorized. The succeeding legislature made an additional appropriation of twenty-five thousand dollars, and provided for the erection of a state building to cost not exceeding eight thousand dollars. This building, which was fifty-six by ninety feet, was of the composite order of architecture, with broad Corinthian porches. It was designed by the firm of Josse-

lyn & Taylor, architects, of Cedar Rapids, and was one of the handsomest on the grounds.

In one of his messages to the legislature Governor Jackson had recommended the erection of a memorial hall, or historical building. The proposition had been ably seconded by Governor Drake. At the extra session of 1897, an appropriation of ten thousand dollars to secure a site and prepare plans for a structure of this character was made. A plat of ground one hundred by one hundred and forty-one feet, near the capitol, was purchased for four thousand three hundred dollars, and O. O. Smith of Des Moines was employed to prepare plans. The estimated cost for a fire-proof building ran so far over the available funds that Governor Drake urged the regular session of the twenty-sixth general assembly to make an additional appropriation. An act was consequently passed on the 30th of March, 1898, increasing the amount by thirty thousand dollars. May 17, 1899, the corner stone was laid, and the building was duly completed.

A new political organization—the United Christian party—entered the arena in the campaign of 1899. Adherents of the new political faith met in July and nominated C. C. Heacock for governor; J. R. Leonard, for lieutenant-governor; John M. Helmick (afterward superseded by F. W. Darner) for supreme judge; W. C. Pidgeon for superintendent of public instruction; C. Z. Lindley for railroad commissioner. In the platform it was affirmed “that the power of the people may be justly and effectually exercised, being governed in all things, law making included, by the standard, ‘what would Jesus do.’” This course, through the agency of the initiative and referendum and proportional representation, was declared to be the only practical method of securing state reform; and to reach the desired goal the members of the convention adopted the pledge that, “We will not cast our ballots in any other than the name of Jesus Christ, and we will endeavor to be guided by God, the Father, the Son, and the Holy Ghost, Amen.”

Governor Shaw; Lieutenant-Governor Milliman, and Superintendent of Public Instruction Barrett were re-nominated by the Republican state convention on the 2nd of August. The ticket was completed by the selection of J. C. Sherwin for supreme judge and E. A. Dawson for railroad commissioner. The platform endorsed the Federal and state administrations and the candidacy of D. B. Henderson for speaker of the national house of representatives. It denounced the last national Democratic plat-

form for its advocacy of free coinage at the ratio of sixteen to one, and of free trade, and for its attack on the Federal courts. On the question of "trusts" the following resolution was adopted: "Industry and commerce should be left free to pursue their methods according to natural laws of the world, but when the business aggregations known as trusts prove hurtful to the people they must be restrained by natural laws, and, if need be, abolished."

On August 16, the Democrats and one section of the Populist party met and named a Fusion ticket. Fred E. White was again nominated for governor; M. L. Bevis, lieutenant-governor; A. VanWagenen, supreme judge; P. B. Holst, superintendent of public instruction, and W. H. Calhoun, railroad commissioner. The resolutions endorsed Bryan and the Chicago platform of 1896 and approved the war against Spain. It condemned the war against the Filipinos as "inspired by Great Britain for the purpose of producing conditions that will force an Anglo-American alliance; and we not only protest against the war and demand its termination by extension to the Filipinos of the same assurance given to the Cubans, but we record our deep-seated antagonism to an alliance with Great Britain, or any other European power, and express our detestation of the attempt made in British interests to disrupt the friendly relations which have uniformly existed between the United States and Germany."

The "Middle-of-the-road" Populists held their convention at Des Moines, August 30th, and named the following ticket: Governor, Charles A. Lloyd; lieutenant-governor, S. M. Harvey; supreme judge, L. H. Weller; superintendent, C. Worth; railroad commissioner, R. L. Dunning.

The Prohibitionists nominated M. W. Atwood for governor; Mr. Pugsley for lieutenant-governor; H. F. Johns for supreme judge; D. S. Dunlavy for superintendent, and A. B. Wray for railroad commissioner.

M. J. Kremer was again the gubernatorial candidate of the Social Labor party. Claude Bonner was named for lieutenant-governor; Mrs. E. P. Travis, for superintendent, and N. Heisel, for railroad commissioner.

At the election Shaw received 239,464 votes; White, 183,301; Atwood, 7,639; Lloyd, 1,698; Kremer, 757, and Heacock, 484. The general assembly, the members of which were chosen at this election, was made up of 35 Republicans in the senate and 81 in the house, to 15 Democrats in the former and 19 in the latter. This assembly was in session from January 13th to April 11, 1900,



with Lieut.-Gov. J. C. Milliman, president of the senate, and D. H. Bowen, speaker of the house.

A previous legislature had authorized the appointment of a Shiloh battle-field commission, consisting of one member from each Iowa regiment in the engagement, to locate the position of the Iowa troops and report with any recommendations regarding monuments. The commission consisted of G. L. Godfrey of the Second regiment; G. W. Crosley of the Third; C. A. Huston of the Sixth; J. B. Morrison of the Seventh; L. Kinkead of the Eighth; J. H. Kepler of the Thirteenth; W. T. Shaw of the Fourteenth; E. C. Blackmar of the Fifteenth, and John Hayes of the Sixteenth. In their report, December 3, 1895, the commission recommended an appropriation of one hundred thousand dollars to erect monuments marking the site of the various regiments, but nothing was done until April 6, 1900, and fifty thousand dollars was appropriated for that purpose.

A Vicksburg battle-field commission of thirty-five members (one from each military organization engaged in the Vicksburg campaign) was created by the legislature of 1900 to perform a similar duty, and two thousand dollars was appropriated to cover the expense. A report was made to the next legislature, which set apart one hundred and fifty thousand dollars to erect monuments showing the position of Iowa regiments in the operations around Vicksburg.

Other important acts of the session were the appropriation of fifty-five thousand dollars a year, for five years, to the agricultural college building fund, the prohibition of traveling salesmen for liquor dealers, and the establishment of a reformatory for women, at Anamosa. A proposition to amend the constitution so as to allow women to vote at all elections was defeated in both houses by a decisive vote.

Early conventions were held by all political parties to select delegates to the National Conventions. The "Middie-of-the-road" Populists instructed for Eugene V. Debs for president; the Fusion wing, or "Weaver faction" so-called, for W. J. Bryan; and the United Christian party for Charles M. Sheldon.

On July 30th, the Republicans met at Des Moines for the nomination of a state ticket. W. B. Martin, was named for secretary of state; Frank F. Merriam, for auditor; G. S. Gilbertson, for treasurer; C. W. Mullan, for attorney-general; Emlin McClain, for supreme judge; David J. Palmer, for railroad commissioner.

The Democrats met at Cedar Rapids, August 15th, and nominated the following ticket: Secretary of state, S. B. Crane; auditor, I. M. Gibson; treasurer, H. L. Williams; attorney-general, T. G. Harper; supreme judge, J. W. Freeland; railroad commissioner, J. E. Anderson.

Altogether seven tickets were placed in the field. Besides those already named, the Prohibitionists, "Middle-of-the-road" Populists, Socialist Labor, United Christian and Social Democratic parties made nominations, the respective candidates for secretary of state being S. O. Pillsbury, T. G. Wheeler, M. J. Kremer, E. W. Sage and C. Wirth.

There were cast for president 530,355 votes divided as follows: McKinley, 307,808; Bryan, 209,265; Wooley, (Prohibitionist) 9,502; Barker, (Populist) 613; Maloney, (Socialist Labor) 259; Leonard, (United Christian) 166; Debs, (Social Democrat) 2,742. The vote for secretary of state was approximately the same, the aggregate being about two thousand less. Two amendments to the constitution were voted on at this election. The first was an amendment to be added as section sixteen to article twelve and provided for biennial elections, beginning in 1902, thus doing away with the elections in the odd numbered years. A majority of 25,591 votes was recorded in favor of the amendment, and it was declared operative by the board of state canvassers in December. The other amendment providing for a convention to revise or amend the constitution was lost by a majority of 555 votes.

Shortly after the election it was discovered that the assembly, in the adoption of the amendment regarding biennial elections, had not complied with certain forms required by the constitution. A suit to test its validity was brought in Washington county and the court held that the failure of the house of representatives in the legislature of 1898 to enter the amendment upon the journal of that body as a matter of record, vitiated it. On February 1, the supreme court affirmed the decision, and the amendment was lost through this technicality, much to the regret of many who had worked and voted for its adoption. The defeat of this measure made it necessary to hold an election in 1901.

On May 21 and 22, the Prohibitionists held a state convention at Des Moines. After adopting a platform denouncing congress for passing the anti-canteen law and denouncing the "Martin mulct law," the following ticket was named: Governor, A. U. Coates; lieutenant-governor, A. B. Wray; supreme judge, J. A. Harvey; superintendent of public instruction, Ella Moffatt; railroad commissioner, Wesley Suddoth.

The Republican state convention assembled at Cedar Rapids on August 7. Albert B. Cummins was named for governor; John Herriott, for lieutenant-governor; Silas M. Weaver, for supreme judge; Richard C. Barrett, for superintendent of public instruction, and E. C. Brown, for railroad commissioner. Congratulations were extended to the country over the re-election of President McKinley, and his administration was endorsed, as was also the record of the United States senators from Iowa and that of Governor Shaw. The gold standard was approved, and legislation establishing it more firmly was recommended. Disfranchisement of negroes in the South was denounced, and protection to home industries was favored.

Two weeks later the following Democratic ticket was nominated at Des Moines: Governor, T. J. Phillips; lieutenant-governor, G. E. Ferguson; supreme judge, John Shortley; superintendent, W. P. Johnson; railroad commissioner, A. C. Brice. The Kansas City platform of 1900 was reaffirmed as the party's expression on national affairs. A law that would tax corporate and individual property alike was demanded. The convention pledged that the Democratic members of the general assembly should urge the passage of such a measure.

On August 23, the Populists held a convention at Des Moines. L. H. Weller was nominated for governor; Perry Engle, for lieutenant-governor; J. R. McDonald, for supreme judge; Ira C. Harlan, for superintendent; Luke McDowell, for railroad commissioner. The Omaha platform was reaffirmed; trusts and corporations were denounced; the policy of the administration in acting in concert with England to crush out young republics was condemned, and equal taxation was demanded.

A Socialist Labor convention met at the capital, September 5. Endorsement was given to the action of the unity convention at Indianapolis on July 29; Socialism was declared to be a scientific solution of the labor problem, and the study of socialist principles by the voters of Iowa was recommended. The ticket nominated was as follows: Governor, James Baxter; lieutenant-governor, W. A. Jacobs; supreme judge, A. F. Thompson; superintendent, E. E. Stevens; railroad commissioner, H. C. Middlebrook.

The entire Republican ticket was elected in November, the following being the vote for governor: Cummins, 226,902; Phillips, 143,783; Coates, 15,659; Baxter, 3,463; Weller, 782.

On September 16, a monument, erected by the Women's Relief Corps of Iowa to the memory of Jennie Wade, was

unveiled at Gettysburg. Jennie Wade was the only woman killed during that engagement. The monument is a massive pedestal of granite, twelve feet high, surmounted by a statue of the noble woman whose deeds it commemorates. On one side is the inscription: "Jennie Wade, killed July 3, 1863, while making bread for Union soldiers." On the other: "Erected by the Women's Relief Corps of Iowa, A. D. 1901."

The twenty-ninth general assembly was convened January 13, 1902. Lieut. Gov. John Herriott was presiding officer of the senate during the session, which lasted until the 11th of April, and Willard L. Eaton was speaker of the house. At the beginning of the term the newly elected governor was inaugurated.

Albert B. Cummins, eighteenth governor of the state of Iowa, is a native of Pennsylvania, having been born at the little town of Carmichaels, in Greene county, February 15, 1850. He received an academic education at Waynesburg, Pa., studied law and was admitted to the bar in his native state. Soon afterward, however, he removed to Iowa, settling in practice at Des Moines, which city has ever since been his home. His nomination for governor in 1901 was the natural result of his activity in politics. At the time of his election he was the Iowa member of the Republican national committee.

An act creating a committee to codify the laws of the twenty-seventh and subsequent general assemblies, as a supplement to the code of 1897, was passed at this session. That committee consisted of James H. Trewin, W. P. Whipple, Claude R. Porter, Frank S. Payne, W. K. Barker and Albert W. Hamann. The supplement was published toward the close of the year and was prepared in the same manner as the general code, thus bringing the codified laws of Iowa down to the latest enactments of the legislature.

April 12, an appropriation of one hundred and twenty-five thousand dollars was made for an Iowa building and exhibit at the Louisiana Purchase Centennial Exposition, to be held at St. Louis, Mo., in 1904, and the governor was authorized to appoint a state commission to consist of one member of each congressional district.

During the session the question of amending the constitution, so as to hold elections biennially, again came up and amendments were proposed making this provision and also providing for a new apportionment of the members of the lower house of the legislature.



On January 24, a disastrous explosion occurred at the Lost Creek coal mines, near Oskaloosa, in which twenty-two men were killed and eight seriously injured. The coroner's jury decided that the explosion was caused by too heavy a charge being placed in one of the blasts, producing a shower of dust which was ignited by the flames. The explosion destroyed the guides for the cages, blew up the tramways in the mines, and demolished some of the upper works of the mine. Debris was blown two hundred feet in the air. It occurred at the noon hour. Fire broke out in the mine and a relief party worked until dark in getting out the wounded and the bodies of the dead. The mine belonged to the Lost Creek Fuel Co., and had been inspected by the state inspector only a few days before, when it was pronounced in good, safe condition.

Another explosion occurred on the tenth of March at the powder mills of the Du Pont, De Nemours & Co., about five miles west of Keokuk. Two men were instantly killed, one died soon afterward from his injuries, and three were seriously wounded. An unknown man was hurt by falling rock. Property to the amount of seventy-five thousand dollars was destroyed. The cause of the explosion was never ascertained.

In July much damage was done by the floods. The low lands along the Des Moines river were completely inundated and hundreds of people were rendered homeless. Many flocked to the cities for aid and on the night of the 11th scores of these unfortunates slept in the school house grounds, the public parks, and elsewhere in the city of Des Moines. Fortunately for them the flood occurred in warm weather, for had such an unprecedented rise in the river happened in the dead of winter the suffering would have been terrific. An appeal was made to charity, and it met with that hearty response so characteristic of the American people, but with all the aid rendered the suffering was great and it was some time before the flooded districts regained their normal condition.

Much interest centered in the political campaign in Iowa this year. When the Republican state convention met at Des Moines, on July 30, a resolution was adopted declaring in favor of tariff changes from time to time as might be made necessary by the progress of our industries and their changing relations to the world's commerce. On the question of trusts it was declared that the "sovereignty of the people over all corporations and aggregations of capital and the right residing in the people to enforce such regulations, restrictions or prohibitions upon the corporate management as will protect the individual and society from abuse

of power which great combinations of capital wield." The adoption of this declaration caused considerable discussion in Washington, and Governor Cummins was declared to be responsible for otherwise projecting the tariff question upon the country. From ocean to ocean the "Iowa Idea" of tariff reduction was discussed in the press, and by the little circles that gather so regularly at every cross-roads store in the land.

The Democratic convention met at Des Moines, September 3. Trusts were trenchantly denounced, it being declared that "the government should drive all monopolies from American soil." On the tariff question the following was unanimously adopted: "We assert that an immediate reduction of our tariff system to a revenue basis is the one absolutely essential remedy for these overshadowing evils, without which they can never be overcome. That the Republican party as now organized is powerless to revise the tariff downward or curb the monstrous trusts it shelters is, as we believe, clearly and conclusively shown by the present attitude of its national leaders."

The tariff question was thus made the dominant issue and was clearly defined by the party declarations of principles. Political circles were still further startled in September, when David B. Henderson, the Republican member of congress from the Third district, and speaker of the national house of representatives, withdrew from the congressional race after he had already been nominated for a re-election. In an address to the people of his district he gave as a reason for his withdrawal his disagreement with the views expressed in the state platform. This led many to predict that Iowa would "go Democratic" and pointed to the time when Boies was elected governor under much less favorable conditions for his party. But when the election day rolled around Iowa remained true to her political traditions for years and elected the Republican ticket by substantial majorities, Martin, the Republican candidate for secretary of state, receiving 229,219 votes to 150,012 for Burke, the Democratic candidate.

A unique experiment, that ought to be of great interest to prison reformers, was inaugurated this year near Fort Dodge. Mr. L. S. Coffin, at his own expense, established a home for ex-convicts. Selecting those whom the prison wardens may recommend he is to give them a home where they will be surrounded by refined and moral influences until they fully regain their self-respect, when positions will be found for them elsewhere. If Mr. Coffin's experiment works it may be a suggestion to the state to find a solution for the "habitual criminal" problem.

## CHAPTER IX

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### Description and Statistics

IOWA has an area of 56,025 square miles. Extending from the Mississippi on the east to the Missouri on the west, its greatest length is not far from 300 miles, while the breadth from north to south is about 200 miles. It is bounded on the north by the state of Minnesota; on the east by Wisconsin and Illinois; on the south by Missouri and on the west by Nebraska and South Dakota. The soil is generally fertile. Agriculture, dairying and horticulture are the chief occupations, though mining and manufacturing are both carried on to a considerable extent. Rich beds of coal underlie about one-third of the state, and about 500 mines are in operation, chiefly in the southeastern part. Fine limestone quarries are extensively operated through the same section, and in the vicinity of Fort Dodge are large deposits of gypsum.

In 1900 reports from 14,819 manufacturing establishments showed a capital of one hundred two million seven hundred thirty-three thousand one hundred three dollars invested, the value of the product that year reaching nearly one hundred sixty-five million dollars. At the same time the value of farm products (crops and live-stock), approximated five hundred million dollars. Dairy products alone amounted in round numbers to twenty-seven million five hundred thousand dollars.

One industry that deserves special mention, and which is peculiar to Iowa, is the manufacture of pearl buttons from the shells of the fresh water mussel. The business was introduced in 1891 by a German named Boepple, and in 1900 there were fifty-three establishments in operation, the center of the industry being at Muscatine.

Iowa has excellent transportation facilities. Besides the two great rivers forming the eastern and western boundaries, there are

about 9,000 miles of railroad in operation, every county being supplied with one or more lines.

The state government is modeled after that of the Federal republic. The executive power is vested in the governor and his executive council. The legislative department consists of a senate of fifty members and a house of representatives of one hundred members. Senators are elected for four years, one-half being elected biennially at the same time the members of the lower branch are chosen. Representatives hold office two years. The judicial department is composed of a supreme court of six members elected for six years, and twenty district courts.

Following is a list of the principal territorial, and elective state officers since the organization of the territory in 1838, with the date of their appointment or election:

Territorial governors: Robert Lucas, 1838; John Chambers, 1841; James Clarke, 1845.

Secretaries of the Territory: William B. Conway, 1838; James Clarke, 1839; O. H. W. Stull, 1841; Samuel J. Burr, 1843; Jesse Williams, 1845.

State governors: Ansel Briggs, 1846; Stephen Hempstead, 1850; James W. Grimes, 1854; Ralph P. Lowe, 1857; Samuel J. Kirkwood, 1859, 1861, 1875; William M. Stone, 1863; Samuel Merrill, 1867; Cyrus C. Carpenter, 1871; Joshua G. Newbold, 1876; John H. Gear, 1877; Buren R. Sherman, 1881; William Larrabee, 1885; Horace Boies, 1889; Frank D. Jackson, 1893; Francis M. Drake, 1895; Leslie M. Shaw, 1897; Albert B. Cummins, 1901.

Lieutenant-Governors: Oran Faville, 1857; Nicholas J. Rusch, 1859; John R. Needham, 1861; Enoch W. Eastman, 1863; Benjamin F. Gue, 1865; John Scott, 1867; M. M. Walden, 1869; H. C. Bulis, 1871; Joseph Dysart, 1873; Joshua G. Newbold, 1875; F. T. Campbell, 1877; O. H. Manning, 1881; John A. T. Hull, 1885; A. N. Poyneer, 1889; Samuel L. Bestow, 1891; W. S. Dungan, 1893; Matt Parrott, 1895; J. C. Milliman, 1897; John Herriott, 1901.

Secretaries of State: Elisha Cutler, 1846; Josiah H. Bonney, 1848; George W. McCleary, 1850; Elijah Sells, 1856; James Wright, 1862; Edward Wright, 1866; Josiah T. Young, 1872; John A. T. Hull, 1878; Frank D. Jackson, 1884; William M. McFarland, 1890; G. L. Dobson, 1896; W. B. Martin, 1900.

Auditors: Joseph T. Fales, 1846; William Pattee, 1850; A. J. Stevens, 1854; John Pattee, 1855; Jonathan W. Cattell, 1858; John A. Elliott, 1864; John Russell, 1870; Buren R. Sherman, 1874; M. V. Lucas, 1880; J. L. Brown, 1882; Jonathan W. Cat-



tell, 1884; J. A. Lyons, 1886; ———, 1892; C. G. McCarthy, 1894; Frank F. Merriam, 1898.

Treasurers: Morgan Reno, 1846; Israel Kister, 1850; Martin L. Morris, 1852; John W. Jones, 1858; William H. Holmes, 1862; Samuel E. Rankin, 1866; William Christy, 1872; George W. Bemis, 1876; E. H. Conger, 1880; Voltaire P. Twombly, 1884; Byron A. Beeson, 1890; John Herriott, 1894; G. S. Gilbertson, 1900.

Superintendents of Public Instruction: Thomas H. Benton, 1851; James D. Eads, 1853; Joseph C. Stone, 1856; M. L. Fisher, 1857 to December, 1858, when the office was abolished until 1864; Oran Faville, 1864; D. F. Wells, 1865; A. S. Kissell, 1869; Alonzo Abernathy, 1871; Carl W. von Coelln, 1877; J. W. Akers, 1881; Henry Sabin, 1887; J. P. Knoepfler, 1891; Henry Sabin, 1893; Richard C. Barrett, 1897.

Attorney-Generals: David S. Cloud, 1853; Samuel A. Rice, 1856; Charles C. Nourse, 1860; Isaac L. Allen, 1864; Fred E. Bissell, 1866; Henry O'Conner, 1867 (elected to fill a vacancy caused by the death of F. E. Bissell, June 12, 1867); M. E. Cutts, 1872; J. F. McJunkin, 1876; Smith McPherson, 1880; A. J. Bakes, 1884; John Y. Stone, 1888; Milton Remley, 1894; C. W. Mullan, 1900.

Supreme Court Judges: Charles Mason, 1847, Joseph Williams (these two continued from the territorial supreme court until a successor could be elected); Thomas S. Wilson, 1847; John F. Kinney, 1847; George Greene, 1847; S. C. Hastings, 1848; J. C. Hall, 1854; George G. Wright, 1855 (served until 1860 and was re-elected in 1865); William G. Woodard, 1855; L. D. Stockton, 1855; Ralph P. Lowe, Caleb Baldwin and L. D. Stockton, 1859 (these three were the first judges elected under the constitution of 1857); John F. Dillon, 1863; Joseph M. Beck, 1867; C. C. Cole, 1869; W. E. Miller, 1869; James G. Day, 1871; Austin Adams, 1875; W. H. Seevers (full term), 1876; James H. Rothrock (vacancy), 1876; Gifford S. Robinson, 1887; Charles T. Granger (vacancy), 1888; Josiah Given, 1889; L. G. Kinne, 1891; Horace E. Deemer, 1894; Scott M. Ladd, 1896; Charles M. Waterman, 1897; J. C. Sherwin, 1899; Emlin McClain, 1900; Silas M. Weaver, 1901.

Clerks of the Supreme Court: Charles Linderman, 1866; E. J. Holmes, 1874; G. B. Pray, 1882; C. T. Jones, 1894.

Reporters of the Supreme Court: E. H. Stiles, 1866; John S. Runnells, 1874; E. C. Ebersole, 1882; N. B. Raymond, 1890; Benjamin I. Sallinger, 1894.

Railroad Commissioners (made an elective office in 1888);

Frank T. Campbell, Spencer Smith and Peter A. Dey, 1888; Spencer Smith, 1889; J. W. Luke, 1890; George W. Perkins, 1892; C. L. Davidson, 1894; E. A. Dawson, 1896; Welcome Mowry, 1898; David J. Palmer, 1900; E. C. Brown, 1901.

United States Senators: George W. Jones and A. C. Dodge, 1848; James Harlan, 1855; James W. Grimes, 1858; Samuel J. Kirkwood, 1866 (to fill the vacancy caused by Harlan's resignation); James Harlan (re-elected), 1867; James B. Howell, 1871 (served three months to fill the unexpired term caused by the death of Grimes); George G. Wright, 1871; William B. Allison, 1873 (re-elected four times); S. J. Kirkwood, 1877; James W. McDill, 1881 (to fill the unexpired term of Kirkwood who resigned to enter Garfield's cabinet); James F. Wilson, 1883; John H. Gear, 1895; Jonathan P. Dolliver, 1901.

Iowa is divided into ninety-nine counties, nearly uniform in size, most of which were established under the territorial regime, or soon after the admission of the state into the Union.

In her progress Iowa has not been unmindful of the importance of education as a factor in a civilized commonwealth. The foundations of a school system were laid deep and sure in the organic law of the state, and that system has kept pace with the growth of population and industry to the present time. In 1848 (the first year for which statistics could be obtained) there were 693 independent school districts, with 123 teachers and 7,077 pupils. The interest on the permanent fund then was two thousand one hundred eighty-five dollars, and the entire cost of maintaining the schools about forty thousand dollars. According to the report of the superintendent of public instruction, for 1900, there were 28,431 teachers employed, and the number of scholars enrolled was 544,972. The interest on the permanent fund had grown to almost one hundred twenty thousand dollars and the total cost of maintenance exceeded eight million five hundred thousand dollars.

Besides this great common school system, opportunities for acquiring a higher education have not been neglected. The state university, at Iowa City, occupies a high place among the institutions of its kind. Its departments and courses of study embrace the most modern ideas. The agricultural college, at Ames, and the Iowa experiment station connected with it, have received favorable comment throughout the educational circles of this country and a number of foreign countries as well. The state normal school at Cedar Falls, established in 1876 with a faculty of five instructors, and opening with 155 students, has steadily grown until in 1900 there were enrolled 2,373 students, taught by a faculty of 50 members.

TABLE SHOWING THE DATE OF THE CREATION AND ORGANIZATION OF COUNTIES, WITH THE PRESENT COUNTY SEAT.

Counties.	Created.	Organized.	County seat.
Adair.....	Jan. 15, 1851	Mar., 1854	Greenfield.
Adams.....	Jan. 15, 1851	Mar. 1, 1853	Corning.
Allamakee.....	Feb. 14, 1847	Mar. 1, 1849	Waukon.
Appanoose.....	1843	May, 1855	Centerville.
Audubon.....	Jan. 15, 1851	May, 1855	Audubon.
Benton (a).....	Dec. 21, 1837	Mar. 1, 1846	Vinton.
Black Hawk.....	Feb. 17, 1843	Aug. 17, 1853	Waterloo.
Boone.....	Jan. 15, 1846	Oct. 1, 1849	Boone.
Bremner.....	Jan. 15, 1851	Aug., 1853	Waverly.
Buchanan (a).....	Dec. 21, 1837	Aug., 1847	Independence.
Buena Vista.....	Jan. 15, 1851	1858	Storm Lake.
Butler.....	Jan. 15, 1851	Oct. 2, 1854	Allison.
Bancroft (c).....	Jan. 15, 1851		
Buncombe (d).....	Jan. 15, 1851		
Calhoun.....		1855	Rockwell City.
Carroll.....	Jan. 15, 1851	Aug., 1855	Carroll.
Cass.....	Jan. 15, 1851	Mar. 1, 1853	Atlantic.
Cedar (a).....	Dec. 21, 1837	Apr. 2, 1848	Tipton.
Cerro Gordo.....	Jan. 15, 1851	Aug. 7, 1855	Mason City.
Cherokee.....	Jan. 15, 1851	Aug. 1857	Cherokee.
Chickasaw.....	Jan. 15, 1851	Apr. 3, 1854	New Hampton.
Clarke.....	Jan. 13, 1846	Aug., 1851	Osceola.
Clay.....	Jan. 15, 1851	Oct., 1858	Spencer.
Clayton (a).....	Dec. 21, 1837	Dec. 21, 1837	Elkader.
Clinton (a).....	Dec. 21, 1837	Mar. 1, 1840	Clinton.
Crawford.....	Jan. 15, 1851	Apr., 1855	Denison.
Cook (e).....	Dec. 7, 1836		
Dallas.....	Jan. 13, 1846	Mar. 1, 1847	Adel.
Davis.....		Mar. 1, 1844	Bloomfield.
Decatur.....	Jan. 13, 1846	1850	Leon.
Delaware (a).....	Dec. 21, 1837	Nov. 19, 1841	Manchester.
Des Moines (b).....	Sept. 6, 1834	Jan. 18, 1839	Burlington.
Dickinson.....	Jan. 15, 1851	1857	Spirit Lake.
Dubuque (b).....	Sept. 6, 1834	Jan. 18, 1838	Dubuque.
Emmet.....	Jan. 15, 1851	1839	Estherville.
Fayette (a).....	Dec. 20, 1837	Aug. 26, 1850	West Union.
Floyd.....	Jan. 15, 1851	1854	Charles City.
Franklin.....	Jan. 15, 1851	1855	Hampton.
Fremont.....	Feb. 24, 1847	Jan. 9, 1850	Sidney.
Fox.....	Jan. 15, 1851		
Greene.....	Jan. 15, 1851	1854	Jefferson.
Grundy.....	Jan. 15, 1851	1856	Grundy Center.
Guthrie.....	Jan. 15, 1851	Aug., 1851	Guthrie Center.
Hamilton (f).....	Dec. 22, 1856	Apr., 1857	Webster City.
Hancock.....	Jan. 15, 1851	1857	Concord.
Hardin.....	Jan. 15, 1851	Mar. 2, 1853	Eldora.
Harrison.....	Jan. 15, 1851	Mar. 1, 1853	Logan.
Henry (a).....	Dec. 7, 1836	Jan. 18, 1838	Mount Pleasant.
Howard.....	Jan. 15, 1851	Jan. 28, 1857	Cresco.
Humboldt.....	Jan. 15, 1851	Aug. 3, 1857	Dakota City.
Ida.....	Jan. 15, 1851	1858	Ida Grove.
Iowa.....	Jan., 1845	July 1, 1845	Marengo.
Jackson (a).....	Dec. 21, 1837	Dec. 21, 1857	Maquoketa.
Jasper.....	Jan. 13, 1846	April 14, 1846	Newton.
Jefferson.....	Jan. 21, 1839	Mar. 4, 1839	Fairfield.
Johnson (a).....	Dec. 21, 1837	July 4, 1838	Iowa City.
Jones (a).....	Dec. 21, 1837	Jan. 24, 1839	Anamosa.
Keokuk (a).....	Dec. 21, 1837	Mar. 1, 1844	Sigourney.
Kossuth.....	June 15, 2851	Aug. 3, 1857	Algona.
Kiskehosh (g).....	Jan. 11, 1845	July 1, 1845	
Lee (a).....	Dec. 7, 1836	Jan. 18, 1838	Fort Madison.
Linn (a).....	Dec. 21, 1837	Jan. 15, 1839	Marion.
Louisa (a).....	Dec. 7, 1836	Jan. 18, 1838	Wapello.
Lucas.....	Jan. 13, 1846	July 4, 1849	Chariton.
Lyon.....	Sept. 11, 1862	1871	Rock Rapids.
Madison.....	Feb. 15, 1844	Aug., 1844	Winterset.
Mahaska.....	Feb. 5, 1844	Apr. 1, 1844	Oskaloosa.
Marion.....	June 10, 1845	Sept. 12, 1845	Knoxville.
Marshall.....	Jan. 13, 1846	Aug., 1849	Marshalltown.
Mills.....	Jan. 15, 1851	Aug., 1851	Glenwood.
Mitchell.....	Jan. 15, 1851	Jan. 25, 1855	Osage.

TABLE SHOWING THE DATE OF THE CREATION AND ORGANIZATION OF COUNTIES, WITH THE PRESENT COUNTY SEAT—Continued.

Counties.	Created.	Organized.	County seat.
Monona .....	Jan. 15, 1851	1854	Onawa.
Monroe .....	Jan. 19, 1846		Albia.
Montgomery .....	Jan. 15, 1851	Apr., 1853	Red Oak.
Muscatine (a) .....	Dec. 7, 1836	Jan. 18, 1838	Muscatine.
O'Brien .....	Jan. 15, 1851	1860	Pringhar.
Osceola .....	Jan. 15, 1851	Oct. 10, 1871	Sibley.
Page .....	Feb. 24, 1847	1850	Clarinda.
Palo Alto .....	Jan. 15, 1851	1858	Emmetsburg.
Plymouth .....	Jan. 15, 1851	Oct. 12, 1858	Le Mars.
Pocahontas .....	Jan. 15, 1851	1859	Pocahontas.
Polk .....	Jan. 13, 1846	Apr. 13, 1846	Des Moines.
Pottawattamie .....	Feb. 24, 1847	Sept. 21, 1848	Council Bluffs.
Poweshiek .....	Jan. 23, 1848	Apr. 3, 1848	Montezuma.
Ringgold .....	Feb. 24, 1847	Mar. 1, 1855	Mount Ayr.
Risley (h) .....	Jan. 15, 1851		
Sac .....	Jan. 15, 1851	1856	Sac City.
Scott (a) .....	Dec. 21, 1837	Mar., 1838	Davenport.
Shelby .....	Jan. 15, 1851	Mar. 1, 1853	Harlan.
Sioux .....	Jan. 15, 1851		Orange City.
Story .....	Jan. 13, 1846	1853	Nevada.
Slaughter (i) .....			
Tama .....		Aug. 1, 1853	Toledo.
Taylor .....	Feb. 24, 1847	Apr., 1851	Bedford.
Union .....	Jan. 15, 1851	Mar. 1, 1853	Creston.
Van Buren (a) .....	Dec. 7, 1836	Jan. 18, 1838	Keosauqua.
Wahkaw (j) .....	Jan. 15, 1851		
Wapello .....		Mar. 1, 1844	Ottumwa.
Warren .....	Jan. 13, 1846	Feb. 10, 1849	Indianola.
Washington .....	Jan., 1838	Jan., 1838	Washington.
Wayne .....	Jan. 13, 1846	1851	Corydon.
Webster .....	Jan. 12, 1853	Jan. 12, 1853	Fort Dodge.
Winnebago .....	Jan. 15, 1851	1857	Forest City.
Winneshieki .....	Feb. 14, 1847	Mar. 1, 1851	Decorah.
Woodbury .....	Jan. 12, 1853	Mar. 1, 1853	Sioux City.
Worth .....	Jan. 15, 1851	1857	Northwood.
Wright .....	Jan. 15, 1851		Clarion.
Yell (c) .....	Jan. 15, 1851		

- (a) Created by legislature of Wisconsin.  
 (b) Created by legislature of Michigan.  
 (c) No record of its disappearance.  
 (d) Changed to Lyon county, Sept. 11, 1862.  
 (e) Name changed to Scott, December 21, 1837.  
 (f) Created from part of Webster.  
 (g) Name changed to Monroe, January 19, 1846.  
 (h) Name changed to Webster, January 12, 1853.  
 (i) Changed to Washington by the first Iowa legislature.  
 (j) Name changed to Woodbury, January 12, 1853.



TABLE SHOWING THE POPULATION OF IOWA BY COUNTIES, AT THE FIRST UNITED STATES CENSUS AFTER ITS ADMISSION INTO THE UNION, AND THE LAST THREE ENUMERATIONS.

Counties.	1850.	1880.	1890.	1900.
Adair.....		11,667	14,534	16,192
Adams.....		11,888	12,292	13,601
Allamakee.....	777	19,791	17,907	18,711
Appanoose.....	3,131	16,636	18,961	25,927
Audubon.....		7,448	12,412	13,626
Benton.....	672	24,888	24,178	25,177
Black Hawk.....	135	23,913	24,219	32,399
Boone.....	735	20,838	23,772	28,200
Bremer.....		14,081	14,630	16,305
Buchanan.....	517	18,546	18,997	21,427
Buena Vista.....		7,537	13,548	16,975
Butler.....		14,293	15,463	17,955
Calhoun.....		5,595	13,107	18,509
Carroll.....		12,351	18,828	20,319
Cass.....		16,943	19,645	21,274
Cedar.....	3,941	18,936	18,253	19,371
Cerro Gordo.....		11,461	14,864	20,672
Cherokee.....		8,240	15,659	16,570
Chickasaw.....		14,534	15,019	17,037
Clarke.....	79	11,513	11,332	12,440
Clay.....		4,248	9,309	13,401
Clayton.....	3,373	25,829	26,733	27,750
Clinton.....	2,822	38,763	41,199	43,832
Crawford.....		12,413	18,894	21,685
Dallas.....	854	18,746	20,479	23,058
Davis.....	7,264	16,463	15,258	15,620
Decatur.....	965	15,336	15,643	18,115
Delaware.....	1,759	17,950	17,349	19,185
Des Moines.....	12,988	33,099	35,324	35,989
Dickinson.....		1,901	4,328	7,995
Dubuque.....	10,841	42,996	49,848	56,403
Emmet.....		1,550	4,274	9,936
Fayette.....	825	22,258	23,141	29,845
Floyd.....		14,677	15,424	17,754
Franklin.....		10,249	12,871	14,996
Fremont.....	1,244	17,652	16,842	18,546
Greene.....		12,727	15,797	17,820
Grundy.....		12,639	13,215	13,757
Guthrie.....		14,394	17,380	18,729
Hamilton.....		11,252	15,319	19,514
Hancock.....		8,453	7,631	13,752
Hardin.....		17,807	19,003	22,794
Harrison.....		16,649	21,356	25,597
Henry.....	8,707	20,986	18,835	20,032
Howard.....		10,837	11,182	14,512
Humboldt.....		5,341	9,836	12,667
Ida.....		4,382	10,705	12,327
Iowa.....	822	19,221	18,270	19,544
Jackson.....	7,210	23,771	22,771	23,615
Jasper.....	1,280	23,963	24,943	26,976
Jefferson.....	9,904	17,469	15,184	17,437
Johnson.....	4,422	25,429	23,082	24,817
Jones.....	3,007	21,032	20,233	21,954
Keokuk.....	4,822	21,258	23,862	24,979
Kossuth.....		6,178	13,120	22,720
Lee.....	18,861	34,859	37,715	39,719
Linn.....	5,414	37,237	45,303	55,392
Louisia.....	4,939	13,142	11,873	13,516
Lucas.....	471	14,530	14,563	16,126
Lyon.....		1,968	8,680	13,165
Madison.....	1,179	17,224	15,977	17,710
Mahaska.....		25,202	28,805	34,273
Marion.....	5,482	25,111	23,058	24,159
Marshall.....	338	23,752	25,842	29,991
Mills.....		14,137	14,548	16,764
Mitchell.....		14,363	13,299	14,916
Monona.....		9,055	14,515	17,980
Monroe.....	2,884	13,719	13,666	17,985
Montgomery.....		15,895	15,848	17,803

TABLE SHOWING THE POPULATION OF IOWA BY COUNTIES—Continued.

Counties.	1850.	1880.	1890.	1900.
Muscatine.....	5,731	23,170	24,504	28,242
O'Brien.....		4,155	13,060	16,985
Osceola.....		2,219	5,574	8,725
Page.....	551	19,667	21,341	24,187
Palo Alto.....		4,131	9,318	14,354
Plymouth.....		8,566	19,568	22,209
Pocahontas.....		3,713	9,573	15,339
Polk.....	4,513	42,395	65,410	82,624
Pottawatomie.....	7,828	39,850	47,430	54,336
Poweshiek.....	615	18,936	18,394	19,414
Ringgold.....		12,085	13,556	15,325
Sac.....		8,774	14,522	17,639
Scott.....	5,986	41,266	43,164	51,558
Shelby.....		12,696	17,611	17,932
Sioux.....		5,426	18,370	23,337
Story.....		16,906	18,127	23,159
Tama.....	8	21,585	21,651	24,585
Taylor.....	204	15,635	16,384	18,784
Union.....		14,960	16,900	19,928
Van Buren.....	12,270	17,043	16,253	17,354
Wapello.....	8,471	25,285	30,426	35,426
Warren.....	961	19,578	18,269	20,376
Washington.....	4,957	20,374	18,468	20,713
Wayne.....	340	16,127	15,670	17,491
Webster.....		15,951	21,582	31,757
Winnebago.....		4,517	7,325	12,725
Winehiek.....	546	23,938	22,528	23,731
Wmbury.....		14,998	55,632	54,610
Wood.....		7,953	9,247	10,887
Worth.....		5,082	12,057	18,227
Total.....	192,214	1,624,615	1,911,896	2,231,853

The unfortunate have not been forgotten. Insane hospitals at Mount Pleasant, Independence, Clarinda and Cherokee insure humane treatment to those whose reason has flown. An institution for feeble minded children at Glenwood, by means of modern methods of instruction, renders self-supporting a class that otherwise would become social outcasts and perhaps criminals. The home for the blind at Vinton and the school for the deaf at Council Bluffs are supported by liberal appropriations and are model institutions of their kind. A home for old, infirm and disabled veterans has been established at Marshalltown, and one for soldiers' orphans, at Davenport. These institutions bear testimony of the gratitude Iowa feels for those that left their firesides and loved ones, to face the storm of shot and shell upon a hundred battlefields, that this Union might continue to exist in all the harmony of its first formation.

In dealing with the criminal and refractory classes the most approved methods have been adopted. The novice in law-breaking, the wayward boy or thoughtless girl, is not associated with the hardened criminal in penal institutions. Going on the principle that an "ounce of prevention is worth a pound of cure," the state

has established an industrial school for boys at Eldora, and one for girls at Mitchellville. In these institutions the moral, intellectual and industrial education of the youthful offender is carefully attended to, the object being to reform rather than to punish. For more confirmed criminals penitentiaries have been established at Fort Madison and Anamosa.

Millions of dollars are permanently invested in these institutions in which every loyal citizen feels a just pride, and recognizes that their maintenance is a labor of love as well as of justice.

One hundred years have passed away since the United States acquired sovereignty over the territory comprising the state of Iowa. One-third of that century elapsed before any effort was made to establish the white man's domain in that portion of the Louisiana Purchase. With the treaty of 1832 all was changed. Then came the old, old conflict between the native red man and the man of a superior race, for possession of the rich valleys and broad plains of Iowa. The result in such contests has always been the same. "The fittest survive." Finding himself unequal to the struggle the Indian wrapped his blanket about him and turned his face toward the setting sun, leaving the white man in undisputed control.

There is an old Indian legend that many years ago a band of braves strayed away from the tribe and wandered on until they came to the bluffs overlooking the present site of Iowa City when they voluntarily exclaimed "Iowa! Iowa!" (Beautiful! Beautiful!)

Antoine Le Claire says the name Iowa means "This is the place." Its origin, according to this authority, grew out of a search of the Sac and Fox nation for new hunting grounds. Crossing the Mississippi they were favorably impressed with the country and called it "Iowa." Meaning "This is the place."

Hildreth thinks the name is a corruption of the Omaha word "Pyhoja" (Grey snow) which was given by the Omaha Indians to the Iowas, because the latter left the parent tribe in the midst of a storm in which snow and sand were intermingled, thus giving rise to the word.

Still another theory regarding the name, and one probably more nearly correct than any of the others, is that it is an abbreviation of the word "Kiowa"—a name given by the Illinois Indians to the tribes west of the Mississippi, and signifying "Across the river."

Whatever may have been the origin of the word it has been adopted by the people, and is recognized wherever the English

language is spoken as the name of one of America's great states. It is a name which embodies the sentiment suggested by at least three of the hypotheses regarding its source. Beyond the great Father of Waters, Iowa extends a hand "across the river" to the worthy immigrant from the older and more crowded states, offering him a home and an opportunity in a "beautiful land," where a fertile soil yields up its treasures to the industrious husbandman, where brave men stand ready to defend a nation's honor, and patriotic women will make sacrifices, if need be, in the future, as in the past, that they may have their homes in a land where law and liberty reign supreme. And the home-seeker that accepts the friendly hand, joining with the busy and prosperous throng, as he sees his wealth increase, will, like the Sacs and Foxes, joyously agree that, "This is the place."









# State of Nebraska

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Hon. James Mills Woolworth, LL. D.

*Associate Editor*





# Nebraska

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## CHAPTER I

### Occurrences Previous to the State's Admission

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A FEW years ago some workmen, engaged in making an excavation about seven miles north of Riverton, Franklin county, Neb., found an old saddle stirrup. It was of that peculiar design used by Moorish horsemen of the sixteenth century, and the distance it was imbedded below the surface indicated that it had lain there for a long time. How came it there?

For more than a century after the discovery of America by Columbus, Spanish expeditions scoured the new continent in search of the rich mines of gold and silver that were believed to exist somewhere in the interior. Stories of a wealthy country called Quivira reached the Spaniards in the Southwest, and in the spring of 1541 an expedition lead by Francisco Vasquez de Coronado started out to find this "Eldorado."\* No closely accurate account of this expedition has been preserved. His route lay through a country never before visited by white men, and more than a century elapsed before another white man ventured into the region. Therefore, any description of the country

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\* For an account of Coronado's expedition, see Volume I of this work.

that the historian of the undertaking may have given, would likely be vague and uncertain information for those who came more than a hundred years later. In the official report of the expedition it is stated that he reached the fortieth parallel of latitude. Several subsequent historians think that he crossed the southern boundary of the present state of Nebraska between Gage and Furnas counties, and that his army were the first white men to set foot upon what is now Nebraska soil. It is possible that the stirrup found in Franklin county is a relic of the Coronado expedition. Coupled with the fact that other similar relics have been found in the vicinity, it becomes at least possible that the place of its discovery marks a spot over which the expedition passed.

Don Diego, Count of Peñalosa, who is supposed to have visited Nebraska in 1662, told a story of a wonderful city, with houses four stories high, standing upon the banks of a great river. This city, according to his account, was burned by his Indian allies, all attempts to save it proving futile.\*

In 1803 the territory now included in the state of Nebraska passed into the possession of the United States by what is commonly called the "Louisiana Purchase." An expedition under Captains Lewis and Clark was sent out the following year, to explore the new acquisition. This expedition reached the mouth of the Platte river, Saturday, July 21, and encampel there for the night. On Sunday they went about ten miles farther up the river, and established a camp not far from the present town of Bellevue. From this camp messengers were sent out to the Indian tribes in the vicinity, to apprise them of the change in government, and invite them to meet the white men in council at a point a few miles above. While these messengers were gone, the time was spent by those left at the camp in repairing the boats and airing the stores. On the twenty-seventh the expedition proceeded up the river to another spot, and waited there for the Indians to make their appearance. Of the council held at this place, the report of the expedition says:

"We waited with much anxiety the return of our messenger to the Ottoes. Our apprehensions were at last relieved by the arrival of a party of about fourteen Ottoe and Missouri Indians who came at sunset on the second day of August, accompanied

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\* Barrett says: "Strong reasons are found for believing that this was merely one of the stories that the count told over in Spain." However this may be, it is a well-known fact that along the Loup river, from the crossing of the Union Pacific railroad, near Columbus, for a distance of twenty miles up the stream, pottery similar to that found at Pecos and other places in New Mexico has been found. It is possible that the city spoken of by Peñalosa was somewhere in this locality, and that his party were the second group of white men to visit Nebraska.

by a Frenchman who resided among them and interpreted for us. . . . The next morning, the Indians, with their six Chiefs, were all assembled under an awning formed with the mainsail, and in the presence of all our party paraded for the occasion. A speech was made announcing to them the change in the Government, our promises of protection, and advice as to their future conduct. All the six Chiefs replied to our speech, each in his turn according to rank. They expressed their joy at the change in the government, their hopes that we would recommend them to their great father (the president) that they might obtain trade and necessaries. They wanted arms as well for hunting as for defence, and asked our mediation between them and the Mahas (Omahas), with whom they are now at war. We promised to do so, and wished some of them to accompany us to that nation, which they declined, for fear of being killed by them. We then proceeded to distribute our presents. The Grand Chief of the nation, not being of the party, we sent him a flag, a medal and some ornaments for clothing. To the six Chiefs who were present we gave a medal of the second grade to one Ottoe chief and a Missouri chief, and a medal of the third grade to two inferior chiefs of each nation; the customary mode of recognizing a chief being to place a medal around his neck, which is considered among his tribe a proof of his consideration abroad. Each of these medals was accompanied by a present of paint, garters and cloth ornaments of dress, and to this we added a canister of powder, a bottle of whisky, and a few presents to the whole, which appeared to make them perfectly satisfied. . . . The incidents just related induced us to give to this place the name of Council Bluff. The situation of it is exceedingly favorable for a fort and trading factory, as the soil is well calculated for bricks, and there is an abundance of wood in the neighborhood, and the air being pure and healthy."

The last camping place of the expedition on the Nebraska side of the river was at the mouth of the Niobrara on the fourth of September. The council held with the Ottoes and Missouris, August 3, was the first friendly intercourse between representatives of the United States and any of the Indian tribes within what is now the state of Nebraska.

In 1819 Gen. Henry Atkinson was ordered to establish a military post on the upper Missouri. He tried to ascend the river with steamboats, but the last of these primitive vessels gave out at the mouth of the Kansas river. The stores were then transferred to barges, but the labor of propelling these unwieldy ves-



sels was so slow that it was late in September when they reached the place to which Lewis and Clark had given the name of Council Bluff. It is quite likely that the recommendation in Lewis and Clark's report had much to do with General Atkinson's decision to locate the post at that point. A fort, called at first Camp Missouri, was built there, and Atkinson remained in charge until October, 1821, when he was succeeded by Col. Henry Leavenworth. The name of the post was changed to Fort Atkinson.\* The first fort was finished in November, 1819, but was flooded the same fall, and the next one was built on higher ground. The armament consisted of nine six-pound cannons, one four pounder, five twenty-four pound howitzers, and something over one thousand stand of small arms, and was garrisoned by a force of 1,120 men. It was abandoned as a military post in 1827. It was about this time that the expedition under Major Long passed across Southeast Nebraska, and, after reaching the Platte in the vicinity of what is now Grand Island, continued up that stream to the mountains (see elsewhere).

Nine years before the establishment of Fort Atkinson, the American Fur Company located a trading post on the site of the present town of Bellevue, in Sarpy county. The post was at first in charge of Francis De Roin, who was followed successively by Joseph Robideaux, John Cabanne and Peter A. Sarpy. The latter was the agent of the company at the time Nebraska territory was organized, and it is after him that the county was named. Bellevue, as the place soon came to be called, was the first white settlement in the state of Nebraska.

Following the establishment of the trading and military posts, came the location of missions among the Indians. In 1834 a Baptist mission under the direction of Moses Merrill was opened near the above mentioned trading post. The work was discontinued the next year, owing to Mr. Merrill's death. In 1846 the board of Presbyterian missions sent the Rev. Edward McKinney to select a site for a mission house and school. He reported in favor of Bellevue. Two men named Ellis and Dunbar started a school among the Indians upon the Platte river—the first in Nebraska.

During the months of June and July, in the year 1842, Gen. John C. Fremont and his first expedition passed up the Platte valley. On June 27 they were at Grand Island, and, by July 2,

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\* Some authorities say the name of this post was changed to Fort Calhoun, but W. H. Eller, in a paper before the Nebraska Historical Society, points out that there was at that time another Fort Calhoun in Virginia.

they had reached the confluence of the north and south forks of the Platte. About forty miles above the junction of the two streams, the party divided, forty men under Clement Lambert crossing over to the north fork and ascending that stream to the American Fur Company's fort, afterward known as Fort Laramie. Fremont's description of the country through which he passed on this expedition and on others while not calculated to encourage immigration, gave to the states east of the Mississippi river much authentic information concerning the "Great West."

While these events were taking place, the United States, by treaty with the Indians, acquired title to certain lands lying in what is now the state of Nebraska. By the treaty of July 15, 1825, made at Prairie du Chien, a tract lying along the Missouri river, extending from the Great to the Little Nemaha, was turned over to the government as a reservation for the Omahas, Iowas, Ottoes, Yanktons and Santee Sioux.

On September 21, 1833, the government concluded a treaty with the Ottoes and Missouris, by which those tribes ceded a large tract of land lying between the Great and Little Nemaha rivers and extending up the latter stream to the head waters. About three weeks later a treaty with the confederated Pawnee bands was made at the Grand Pawnee village on the Platte river. By this treaty the Pawnee title to all lands south of the Platte was transferred to the United States. The lands obtained by these treaties were not thrown open to white settlers, but were intended as reservations for certain tribes east of the Mississippi river, in pursuance of acts of congress setting apart an Indian territory lying west of the Missouri river and extending west "as far as the country is inhabitable."

In 1848 the government built a fort where Nebraska City now stands, and the name of Fort Kearney was given to the new post. In August of the same year the government concluded a treaty with the four confederated bands of Pawnees for a strip of land, five miles wide and sixty long, lying along the north side of the Platte, between that river and the bluffs. Captain Childs was sent to establish a fort on the cession. He selected the site where Fort Kearney afterward stood and built Fort Childs. The name of this post was changed to Fort Kearney in 1854, and old Fort Kearney was abandoned.

When the Mormons were driven from Nauvoo, Ill., in 1846, and started westward in search of a new home, large numbers of them crossed the Missouri five or six miles above Omaha and founded the town of Florence, to which they gave the less pre-

tentious name of "Winter Quarters." During the next year fully 15,000 Mormons, on their way westward to Salt Lake, stopped at Florence. In 1847 the Indians made a complaint that this peculiar sect were destroying the timber and driving away the game, and the government ordered them to vacate.

The discovery of gold in California also attracted large numbers of emigrants to what is now the state of Nebraska, the trail up the Platte valley being a favorite route to the Pacific coast. In 1850 a military road, from Fort Leavenworth to Fort Kearney, was constructed, and with the completion of this road the popularity of the route was increased. Although Nebraska was not the objective point of this emigration, those who traversed the broad prairies between the Missouri river and the Rocky mountains saw the future possibilities of the country, and the desire for an organized territory soon began to make itself felt. The first suggestion for the organization of a territory west of the Missouri came from the secretary of war in 1844. No action upon his recommendation was taken by congress, however, and the matter rested until December, 1848, when a congressman introduced a bill, organizing the territory of Nebraska and embracing in its provisions all the present state of Kansas and that part of Nebraska lying south of the Platte river. As this measure did not include the region north of the Platte, it was not satisfactory to the people who were gathered along the east bank of the Missouri opposite Omaha and farther north and were waiting for the government's permission to cross over and establish settlements. The number of the prospective settlers kept growing larger until the fall of 1853, when some of them crossed the Missouri from Iowa, and, on October 11, held an election at Bellevue and at Old Fort Kearney for a delegate to congress. At this election Hadley D. Johnson, a lawyer of Council Bluffs, Ia., was unanimously chosen to go to Washington to urge the organization of a territory.\*

When congress assembled, Mr. Johnson went to Washington, where he found that the committee on territories had under consideration a bill to organize one large territory south of the Platte. He went before this committee and urged that the country north of the Platte should be included and that the region should be divided into two political divisions. Although he was not recognized as a delegate, his arguments had the desired effect, and a substitute for the original bill, providing for the organization of

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\*The people in the southern part of the proposed territory had held an election the year before and elected Abelard Guthrie delegate. See history of Kansas.

two territories instead of one, was reported. The substitute measure afterward passed, and became known to history as the Kansas-Nebraska bill. It was signed by the president, May 30, 1854, from which time dates the organization of Nebraska as a territory.

While the bill was pending in congress, and immediately following its passage, steps were taken to extinguish the Indian titles preparatory to opening the lands to white settlers. A council with the chiefs of the Ottos, Missouris and Omahas was held at Bellevue, in February, 1854. At this council the United States was represented by Colonel Manypenny, commissioner of Indian affairs, and Maj. James M. Gatewood, the Indian agent. The spokesman for the Indians was Logan Fontanelle, an educated half-breed Indian, who at that time was chief of the Omahas. As a result of this council the chiefs went to Washington. There, March 15, the government concluded a treaty with the Ottos and Missouris by which their lands south of the Platte, as far west as a line drawn due south from the mouth of the Loup river, were ceded to the United States. The next day the Omahas relinquished all their rights to the lands north of the Platte, extending from the Missouri river to a north and south line that is now the demarkation between ranges five and six. Both treaties were ratified in June, and the lands thrown open to settlement.

For the first few years after the organization of the territory, the settlements outran the government surveyor. In the absence of section lines and legislation to protect the first settlers in the possession of their lands, claim clubs were organized. A description of one of these clubs will serve for all, for they were modeled very much alike. At a meeting of the Omaha Claim Club, July 22, 1854, a code of laws embodying the following provisions was adopted: No one should hold more than three hundred and twenty acres, not more than eighty acres of which should be timber land; the staking off a claim and building a pen four rounds high was sufficient to hold the claim for thirty days, at the end of which time a house for a human habitation should be erected; transfers were to be made by quit claim deed, and all differences were to be adjusted by arbitration. A regulation that so long as a member of the club should continue to make improvements to the extent of fifty dollars a year, he could hold his claim against all comers, was also adopted. After the enactment of the code, the club proceeded to the election of officers. A. D. Jones was selected for judge; S. Lewis, clerk; M. C. Gaylord, recorder, and R. B. Whitted, sheriff.

On March 6, 1855, the territorial legislature passed an act pro-



viding that squatters, by forming a club with their neighbors, thus giving the sanction of law to the methods and acts of the clubs, could hold three hundred and twenty acres. Soon after the passage of this act, clubs were formed at various points in the territory. Two or three years later, trouble arose, because new-comers attempted to preempt lands under the laws of the United States, which were claimed under rules of the clubs. February 20, 1857, a grand mass meeting was held by the Omaha Claim Club, to take steps to protect their claims. Delegates from the clubs at Bellevue, Florence, Elkhorn, Papillion, and other points, were present "ready to offer the aid and counsel of their respective districts, to assist the people of Omaha in the protection of their rights." The delegates were admitted, and the following resolutions were adopted:

"WHEREAS, It appears that evil disposed persons are giving trouble, in different parts of this vicinity, in attempting to preempt the claims and parts of claims held by bona fide claimants, to the great annoyance of the rightful owners: therefore,

"*Resolved*, That we have the fullest confidence in the power of the claim associations to protect the rights of the actual settler, and we pledge ourselves as men, and as members of the different claim associations in Douglas and Sarpy counties, to maintain the claim title as the highest title known to our laws, and we will defend it with our lives.

"*Resolved*, That persons shielding themselves under the act of Congress to preempt a man's farm under the color of law, shall be no excuse for the offender, but will be treated by us as any other common thief."

Not a dissenting voice against the adoption of the resolutions was heard. They were ordered to be printed in the newspapers; and the captain of the regulators was authorized to select a vigilance committee to carry out their provisions. No time was lost by the regulators, for the next day a committee waited upon Jacob S. Shull, who, innocent of any intention to defraud any one, had preempted a tract of land already claimed by one of the club. Shull, hearing of the committee's coming and fearing personal violence, left his house, which was set on fire by the vigilance committee and burned to the ground.\* Others were ducked in the river until they agreed to give up all claims to the lands belonging to club members, and seek locations elsewhere. A

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\* Shull died a few months later, and after years of litigation his heirs established their title to the land, which is now within the limits of the city of Omaha, and very valuable.

notable instance of this kind was the case of an Irishman named Callahan. Acting Governor Cuming had selected a claim; but, owing to the demands upon his time in the discharge of his official duties, he was unable to occupy it. Under the circumstances he hired Callahan, at a salary of forty-five dollars a month, to occupy the claim as a tenant. In time Callahan set up the claim of ownership, notwithstanding he had regularly accepted his monthly stipend from the governor. A committee of the claim association visited Callahan to endeavor to dissuade him from his purpose of claiming the land, but he was obstinate. Seeing that argument was useless, the committee determined on more heroic treatment. Seizing the Irishman they dragged him to the river, cut a hole through the ice, and immersed him repeatedly in the cold waters of the Missouri until his stubbornness left him and he promised to surrender the claim. Looking back upon the acts of the claim clubs after a lapse of half a century, it seems that their remedies were sometimes unusually severe. They were. But the men who became the victims of the associations were often of that class who wanted something for nothing, and sought to take advantage of the government surveys to secure the fruits of the squatter's labor. In a little book, "Nebraska in 1857," by J. M. Woolworth, the following description of the early operations of the claim clubs is thus given:

"Where the land has not been surveyed, the United States law affords no protection to the squatter, against a jumper; that is, a person entering upon his claim and asserting a possession right to it. To afford protection in these cases, the territorial legislature passed an act, approved March 6, 1855, relative to claims on public lands, by which it is provided that the squatter may hold three hundred and twenty acres by forming with his neighbors a club, which was required to make a record with the register of the county of its regulations. By this act these clubs are invested with legislative powers for their neighborhoods. Their operation is this: A member of the club has fulfilled the requirements of the rules in staking out his claim, recording it, and improving it. A person steps in and claims it for himself. The matter is brought before the club and examined. If the second claimant, who is called a jumper, can not show that the first claimant has no right to hold the claim, under the regulations of the club, he is required within a certain time to withdraw his claim, on penalty of expulsion from the territory, or of death. Such is the necessity of the case, that in any event in which he should not yield, the penalty is promptly enforced. Most clubs construe a person who

is not a citizen of the territory a settler, provided he has a tenant on the land. But few cases of extreme measures have arisen. These regulations afford pretty safe possession to the actual settler; although it can hardly be doubted that the law conferring legislative authority on the clubs, is unconstitutional. Still public opinion is more than law."

The first entries of land in Nebraska under the laws of the United States were made at the government land office in Omaha in March, 1857, when the river counties were thrown open, and the first public sale of lands to the highest bidder occurred July 5, 1859. From that time the settlement of Nebraska went forward steadily, so that the census of 1860 showed a population of nearly twenty-nine thousand, and some had already begun to talk of admission into the Union as one of the sovereign states.

As originally organized the territory of Nebraska extended from the fortieth parallel to British America and from the Missouri river to the Rocky mountains, and contained more than three hundred and fifty thousand square miles. Between that time and 1863 several changes were made in the boundaries.

On July 15, 1854, the first number of the *Nebraska Palladium*, the first newspaper in the territory, was published at Bellevue, by D. E. Reed. It was printed at St. Mary's, Ia., until November, when the outfit was brought to Bellevue and installed in the south wing of Edward McKinney's house at the Presbyterian mission. In April, 1855, the publication was suspended.

President Pierce appointed the following officers for the new territory: Governor, Francis Burt, of South Carolina; secretary, Thomas B. Cuming, of Iowa; chief justice, Fenner Ferguson, of Michigan; associate justices, James Bradley, of Indiana, and Edward R. Hardin, of Georgia; marshal, Mark W. Izard, of Arkansas; attorney, Experience Estabrook, of Wisconsin.

Francis Burt, the first governor of Nebraska territory, was born January 13, 1807, on a plantation in the Edgefield district of South Carolina. While he was still a boy, his parents removed to the town of Pendleton, and in the public schools there he received the major part of his education. Selecting the profession of law as a calling, he was admitted to the bar in 1842, and he afterward practiced for five years at Pickens. In 1847 he returned to Pendleton where, for three years, he edited the *Pendleton Messenger*. He was a member of the constitutional convention of 1852, and the following year was appointed third auditor of the United States treasury by President Pierce. When the territory of Nebraska was organized, he was offered the gov-

ernorship, which he accepted and resigned his position in the treasury. He arrived at Bellevue, October 6, 1854, in very poor health, having been taken ill at St. Louis, and his malady was aggravated by the hardships of the journey. His death occurred October 18, only twelve days after his arrival in the territory, and his body was taken back to his old home at Pendleton. The duties of organizing the territorial government devolved upon Secretary Cuming.

Acting Governor Cuming's first official act was to issue a proclamation relative to the death of Governor Burt, and appoint Barton Green, Col. W. B. Howard, James Doyle and W. R. Jones an escort to accompany the remains to South Carolina. His next act was to divide the territory into eight counties, viz: Burt, Washington, Dodge, Douglas, Cass, Forney, Pierce and Richardson. October 21, he issued a proclamation ordering a census to be taken in the territory, and deputy marshals, J. L. Sharp, Charles B. Smith, Michael Murphy, E. R. Doyle, F. W. Symmes, M. H. Clark and Charles W. Pierce began the work of enumeration on the last day of the month. November 20, the enumeration was finished, and the census showed a population of two thousand seven hundred and thirty-two, of which number nine hundred and twenty-nine were voters, and thirteen were slaves.

As soon as the results of the enumeration were known, an apportionment for members of the territorial legislature was made, and an election was ordered for December 12. In this first apportionment Douglas county received four councilmen and eight representatives; Pierce county, three councilmen and five representatives; Cass county, one councilman and three representatives, and each of the other counties, one councilman and two representatives. At the election in December five candidates for delegates to congress were presented. Napoleon B. Giddings received three hundred and seventy-seven votes; Hadley D. Johnson, two hundred and sixty-six; Bird B. Chapman, one hundred and fourteen; Joseph Dyson, twenty-three, and Abner W. Hollister, fourteen. Giddings was declared elected, and was the first representative of the new territory in congress. The members of the first legislature were as follows: In the council—J. L. Sharp, B. R. Folsom, J. C. Mitchell, M. H. Clark, T. G. Goodwill, A. D. Jones, O. D. Richardson, S. E. Rogers, Luke Nuckolls, A. H. Bradford, H. P. Bennett, C. H. Cowles, and Richard Brown. In the house—A. J. Hanscom, W. N. Byers, William Clancy, F. Davidson, Thomas Davis, A. D. Goyer, A. J. Poppleton, Robert Whitted, J. B. Robertson, A. C. Purple, A. Archer, A. J.



Smith, E. R. Doyle, J. W. Richardson, J. M. Latham, William Kempton, J. D. H. Thompson, G. Bennett, J. H. Cowles, J. H. Decker, W. H. Hail, William Maddox, W. A. Finney, J. M. Wood, D. M. Johnson, and J. A. Singleton.

On December 20, the acting governor divided the territory into three judicial districts and assigned the judges. Chief Justice Ferguson was assigned to the first district, consisting of the counties of Douglas and Dodge, Justice Hardin, to the second district, embracing all that part of the territory south of the Platte, and Justice Bradley, to the third district composed of the counties of Burt and Washington. At the same time judges of probate and minor officers for the various counties were appointed.

In accordance with the acting governor's proclamation, the first legislature met at Omaha, January 16, 1855. The council was organized by the election of J. L. Sharp, of Richardson county, president; Dr. G. L. Miller, of Omaha, chief clerk, and S. A. Lewis, also of Omaha, sergeant at arms. A. J. Hanscom, of Douglas county, was elected speaker of the house; J. W. Paddock, chief clerk, and J. L. Gibbs, sergeant at arms. In his message Governor Cuming urged the legislature to memorialize congress for the construction of a Pacific railway. With regard to this question he said: "One of the principal subjects of general interest to which, next to the enactment of your laws, your attention will be directed this winter, is that of a Pacific railroad.

Many reasons lead to the conclusion that such a memorial from you will be of practical efficiency in contributing to the speedy consummation of such an enterprise."

Parts of the Iowa code were adopted by the legislature as the laws of Nebraska. The eight counties erected by the governor's proclamation were organized. The name of Forney county was changed to that of Nemaha, and several new counties were created, viz: Blackbird, Buffalo, Clay, Cuming, Dakota, Gage, Greene, Izard, Jackson, Johnston, Lancaster, Loup, McNeale, Otoe, Pawnee, Saline and York. Some of these counties no longer exist by the names under which they were created, having been absorbed by the changes in county boundaries, or having become parts of other counties. Acts incorporating the Platte Valley & Pacific and the Missouri River & Platte Valley Railroad Companies were passed. While the legislature was in session, Mark W. Izard was appointed governor. He assumed the duties of the office February 27, 1855, and Thomas B. Cuming again took up the work of secretary. Governor Izard had been a resident of Arkansas, and was appointed the first marshal of

Nebraska territory. He served as governor until October, 1857, when he resigned, and Secretary Cuming again became acting-governor.

The term of Napoleon B. Giddings, as congressional delegate, expired March 4, 1855. An election to choose his successor was ordered for November 6, 1855. Giddings declined to be a candidate for re-election. At this election a total of six hundred and ninety votes were cast, distributed as follows: Bird B. Chapman, three hundred and eighty; H. P. Bennett, two hundred and ninety-two; scattering, eighteen. Bird B. Chapman was therefore Nebraska's second representative in congress. December 18, 1855, the second session of the legislature was convened. B. R. Folsom, who had represented Burt county in the council during the first session, was elected president of that body, and P. C. Sullivan was chosen speaker of the house. Aside from the creation of several new counties, little important legislation was enacted. The third session, which met January 5, 1857 was of more interest. At this session L. L. Bowen was president of the council and J. L. Gibbs speaker of the house. A code of laws was adopted; a university was located at Saratoga and a board of trustees was named for its management, and a number of new counties was established. On the second day of the term, a resolution to appoint a committee of three to consider the expediency of removing the capital, was introduced in the council by Jacob Safford, the member from Dodge, Cass and Otoe counties. A committee with Safford as chairman was appointed and two days later it reported that the selection of Omaha was not impartially made, and recommended the passage of a bill to remove the seat of government to some other place before the expense of public buildings became too great. A bill providing for the removal of the capital to Douglas, Lancaster county, was prepared, and it passed both houses. Governor Izard vetoed the measure on the ground that it had been passed in the interest of the land speculators who owned the town site of Douglas. Enough votes could not be secured to pass the bill over the veto, and the scheme was abandoned for the time.

An important treaty with the four confederate Pawnee bands was made at Table Creek, September 24, 1857. By this treaty the United States came into possession of all that portion of Nebraska lying north of the Platte river, west of the cession of March 16, 1854, and east of a line drawn due north from the confluence of the north and south forks of the Platte, except a reser-

vation, fifteen by thirty miles, lying on both sides of the Loup river.\*

Governor Izard's resignation took effect October 25, 1857, and Secretary Cuming again became acting-governor, serving until the arrival of Governor Richardson in January 1858. William A. Richardson, the second territorial governor of Nebraska, was a native of Fayette county, Ky. After graduating from the Transylvania university, he studied law and won an enviable reputation as an attorney. During the Mexican war he served as captain of a company, and at the close of the war was elected to congress from Illinois, serving until 1856. While in congress he introduced a bill for the organization of Nebraska Territory, and voted for the Kansas-Nebraska bill. He was appointed governor of the territory he helped to organize, by President Buchanan, and served nearly a year. In 1860 he was again elected to the lower house of congress, and upon the death of Stephen A. Douglas, in January, 1861, was elected to fill the unexpired term of Mr. Douglas in the United States senate.

The fourth session of the territorial legislature met December 8, 1857, and organized by electing G. L. Miller president of the council and J. H. Decker speaker of the house. Nothing of unusual interest occurred until January 7, 1858, when Mr. Abbey introduced a bill in the house to remove the capitol from Omaha, but did not designate the location of the new capital. The house met that day in committee of the whole to consider a resolution regarding the public printing. The friends of the capital removal bill tried to force that measure to the front, but in spite of their efforts the bill was made a special order for Wednesday of the following week. A motion to adjourn the legislature to Florence was then made. Speaker Decker declared the motion carried, and he and all the members except thirteen left the house. Those who remained elected Dr. W. R. Thrall to preside and continued the session. Later, Decker and his friends returned, and finding Doctor Thrall in the chair the speaker made an attempt to snatch the gavel away from him. In the scuffle that ensued the speaker was rather roughly handled. The next morning the plans of the removalists worked better. As soon as prayer was offered a motion to adjourn to Florence was made, and again the speaker and twenty-one of the members left the hall. At the same time a similar motion in the council was made by Mr. Reeves, but President Miller refused to entertain it. An appeal was taken to the

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\* This reservation was ordered to be sold by an act of congress in 1876. The present county of Nance is the old Pawnee reserve.

council, and Miller's decision was reversed by a vote of eight to four. Reeves then put the question, decided it carried, and with seven of the councilmen adjourned to Florence. As soon as the seceding members had organized at Florence, they asked Acting-Governor Cuming to issue an order for the removal of all books, files, etc., pertaining to the legislature, to that place. Governor Cuming courteously refused to grant the request. On January 12, Governor Richardson assumed the duties of the office, and the same day the body of legislators at Florence passed a resolution that "A joint committee of one member of the council and two members of the house be appointed to wait upon His Excellency and inform him that the Council and House of Representatives of the Territory of Nebraska now in session at Florence, having been forced to adjourn to that, the nearest, place of safety, by the disorganizing and turbulent acts of a minority of their own body, aided by the violence of an unrestrained mob at Omaha, causing a well-grounded apprehension as to the personal safety of the majority, and requesting His Excellency to communicate with the Legislature at this place at his earliest convenience."

The reply of Governor Richardson was rather diplomatic. He promised that no act of violence should be perpetrated upon the rights or persons of any of the members of the legislature, so long as they were engaged in the discharge of their duties, and reminded them that they ought to get down to business and enact needed legislation. Before the difficulty was settled, the forty days to which the sessions were limited expired, and the legislature was compelled to adjourn *sine die*. Secy Thomas B. Cuming died March 12, 1858. He was born on Christmas day, 1828, in Genesee county, N. Y., was a graduate of the University of Michigan, and served as a lieutenant in the Mexican war. At the time he was appointed secretary of the territory, he was editor of the Keokuk (Iowa) *Dispatch*. He was twice called upon to serve as governor, once after the death of Governor Burt, and again upon the resignation of Governor Izard. Although a young man he discharged the executive duties with a high degree of ability, and his death was sincerely mourned by the citizens of Nebraska. After his death John B. Motley served as secretary until January 12, when President Buchanan appointed J. Sterling Morton to the vacancy caused by Cuming's death.

So much time was spent by the third legislature in wrangling over the removal of the capital, that an extra session was deemed necessary. Accordingly, Governor Richardson issued a proclamation, August 14, for the legislature to assemble on the twenty-



first of September. At this special session a code of civil procedure was adopted—something that was very much needed by the territory.

Congress was memorialized for the passage of a homestead law; for aid to the Ponca Indians; for land grants in the construction of railroads, and for the opening of a highway from the Platte river to the Kansas state line. On the first day of November Rep. G. S. Daily, from Nemaha and Johnson counties, introduced a bill to abolish slavery in Nebraska. Up to this time the question had not been agitated in the territory, and many regretted that it was now obtruded into Nebraska politics. The bill was referred to a special committee and two reports were returned to the house. A majority of the committee favored the passage of the bill, and a minority recommended its defeat. The house, in committee of the whole, finally laid both reports on the table, and the first bout was ended. But the question was destined to come up again at a subsequent session.

In the summer of 1858 reports of the discovery of rich gold fields in the vicinity of Pike's Peak spread over the country. Again the Platte valley trail became the thoroughfare for emigrants seeking the riches of the mines. Parties of these emigrants would outfit at the border towns, Plattsmouth and Nebraska City being favorite points. While a few found gold, hundreds failed, and the disappointed gold seekers came to the conclusion that the story had been put in circulation by the merchants of the border towns for the purpose of increasing their sales. On their way back to the "States" a large crowd of these deluded mortals gathered near Plattsmouth, toward which place the feeling was particularly bitter. Some advocated the sacking and burning of the town. Others insisted that the proper thing to do was to go in force to the merchants and make them disgorge. About two hundred did go into the town, but the merchants were all absent from their places of business, and nothing was accomplished. Had there been any intelligent direction to the mob, Plattsmouth might have suffered, but as it was the whole affair ended in talk. The people of the place, though, were badly frightened, and did not recover their normal spirits until the gold seekers were on the east side of the Missouri river.

On December 5, 1858, Governor Richardson resigned, and Secretary Morton became acting-governor. He served in this capacity until May 2, 1859, when Governor Black arrived at Omaha and took up the executive duties.

Samuel W. Black, the third territorial governor of Nebraska,

was a native of Pennsylvania, having been born in the city of Pittsburg in 1818. He was a man of liberal education and a lawyer of fine ability. During the Mexican war he served as lieutenant-colonel of one of the Pennsylvania regiments. In 1859, after he had resigned as governor, he was appointed United States judge for Nebraska, by President Buchanan. This position he resigned in the spring of 1861, to raise the Sixty-second Pennsylvania infantry, and was killed at the battle of Gaines' Mill, Virginia, June 27, 1862, while leading his regiment into action.

All through the spring and early summer of 1859, the settlers in the Elkhorn valley were subjected to outrages committed by the Pawnee Indians. Stock was driven away, homes were plundered, fields were laid waste, and mails were robbed and destroyed. About the first of July a messenger bearing the news of the uprising arrived at Omaha. Governor Black was at Nebraska City, and in those days of slow communication and travel some time would necessarily elapse before he could be notified. By the provisions of the organic act, the secretary was authorized to assume the duties of governor during the absence of the latter from the territory, but he was not at the seat of government and an emergency existed. Under the circumstances Secretary Morton ordered John M. Thayer to raise a force of men, in as short a time as possible, and to go to the aid of the settlers. Forty men were soon gathered together and at midnight left Omaha. The next day, about four o'clock in the afternoon, they reached Fontanelle, in the western part of Washington county, where a number of people had gathered for mutual protection. General Thayer halted here for a day or two and recruited his force to 194 men. Among those who joined the expedition at Fontanelle was Gen. Samuel R. Curtis, who a few years later achieved such distinction in the Civil war. Governor Black, upon hearing what the secretary had done, sanctioned the act and made haste to join General Thayer. Lieutenant Robertson, with a few United States troops, also came to the assistance of the militia. On the evening of July 11, the scouts brought in the information that the Indians, 1,400 strong, were encamped a few miles in advance. General Thayer had with him one piece of artillery, and, relying upon the Indian's fear of cannon, decided to attack the camp at day-break the next morning. As soon as it was light enough to move with certainty, the 194 cavalry charged the camp, while the one cannon was discharged as rapidly as possible to create the impression that a whole battery was at hand. Taken by surprise

the Indians surrendered and promised to remain on their reservation. Governor Black commended General Thayer and his men for the promptness with which they had come to the assistance of the defenseless settlers, and for the successful conduct of the campaign.

The sixth session of the legislature assembled at Omaha, December 5, 1859. E. A. Donelan was elected president of the council, and S. A. Strickland, speaker of the house. The most important act of the session was that submitting to the people the question of holding a constitutional convention and forming a state government. The council passed the bill, December 16, by a vote of 8 to 2, and the house passed it January 4, almost unanimously. In March, 1860, it was voted on by the people, but was rejected, 2,094 votes being cast for a state government and 2,372 against it.

On December 5, 1860, the seventh session was convened. The presiding officers of the council and house were W. H. Taylor and H. W. DePuy, respectively. A storm had damaged the capitol the preceding June, and one act of the legislature was to make an appropriation of three thousand dollars for repairs. On the third day of the term the slavery question came a second time before a Nebraska legislature. Councilman W. H. Taylor introduced a bill to "abolish and prohibit slavery and involuntary servitude." It was referred to a select committee of three, and each member submitted a report. One favored the passage of the bill, one opposed it, and the third "concurred in the main." A bill of similar purport was introduced in the house the same day. After ten days of debate, during which time considerable "filibustering" was indulged in, it passed by a vote of 21 to 17, and was sent to the council. While the bill was on its second reading in the upper branch, a motion to indefinitely postpone further consideration of the subject prevailed. An effort to have the council re-consider this action was then made, but it failed. The committee then adopted a resolution to the effect that "we deem it inexpedient and unnecessary to waste time and blot the pages of the statute books with laws relating to slavery," and that any attempt to legislate on the question would be opposed as "ill-timed, pernicious and damaging to the fair name of the territory."

By a treaty made February 18, 1861, at Fort Wise, Kan., the Cheyennes and Arapahoes ceded to the United States their lands in Wyoming, Kansas, and Nebraska. That portion of Nebraska acquired by this treaty lies south of the North Platte river and

west of a line drawn from the confluence of the North and South Platte, and crossing the southern boundary of the state not far from the line between Thomas and Sherman counties.

On May 15, 1861, Alvin Saunders, of Iowa, was appointed governor, and Algernon S. Paddock, secretary, by President Lincoln. Governor Saunders was born in Fleming county, Ky., July 12, 1817. When he was about twelve years old, his parents removed to Springfield, Ill., where he received the greater part of his education in the common schools. In 1836 he went to Mount Pleasant, Ia., and engaged in mercantile pursuits. He was a member of the Iowa constitutional convention of 1846, and was a delegate to the Republican national convention in 1860. He was the last territorial governor of Nebraska, served until the admission into the Union, and afterward represented the state six years in the United States senate.

On May 18, three days after his appointment, Governor Saunders issued a proclamation announcing that the war department had called upon Nebraska for one regiment of troops to serve three years, or to the close of the Civil war. At that time the population of the territory was slightly below 30,000. Governor Saunders recommended the militia officers to organize volunteer companies, but the work proceeded slowly, so that it was July 22 before the First Nebraska infantry was ready to be mustered into the United States service. When mustered in the regiment was officered as follows: Colonel, John M. Thayer; lieutenant-colonel, Hiram P. Downs; major, William D. McCord. July 30, the regiment took a steamboat at Omaha and proceeded to St. Joseph, Mo., where the men received their equipments. From that time until February, 1862, the regiment was in Missouri, where it took part in a number of light engagements. February 13, 1862, it joined General Grant's army in front of Fort Donelson, and was in the engagement when the fort surrendered. At Pittsburg Landing, in April, the regiment was attached to the division commanded by Gen. Lew Wallace, Colonel Thayer being in command of the brigade to which the First Nebraska belonged. In his report General Wallace made special mention of the conduct of the Nebraska troops. In the fall of 1862 the regiment was sent to Fort Kearney to participate in the campaign against the Indians. It remained in service on the frontier until July, 1866, when it was mustered out, and the men returned to their homes after five years of military service.

In August, 1861, two companies were recruited to join the First regiment, but instead were mounted and made a part of the Fifth



Iowa cavalry. In the summer of 1862 the Second Nebraska cavalry was organized with the following officers: Colonel, Robert W. Furnas; lieutenant-colonel, W. F. Sapp; majors, George Armstrong, John Taffe and John W. Pearman. The regiment was mustered into service in the fall, and early the next spring was ordered to report to General Sully, at Sioux City, for duty in the campaign against the Indians of Dakota and Western Nebraska. At the battle of White Stone Hills, Dakota, September 3, 1863, the Second Nebraska lost seven killed, fourteen wounded and 10 missing. Soon after this engagement the regiment was mustered out, but a battalion of veteran cavalry was immediately enlisted from the old organization. Major Armstrong commanded this battalion, which was consolidated with the First regiment in the summer of 1865, and mustered out with the regiment in 1866.

During the summer of 1864 serious outrages were committed in Nebraska by the Sioux, Cheyenne, and other tribes. As the Indians were forced westward after the outbreak in Minnesota, in 1862, the government, in anticipation of further trouble with them, had sent troops to various points along the line of the old overland stage route to protect emigrants and settlers. A detachment of these troops, under Maj. George M. O'Brien, established a post at Cottonwood Springs in the Platte valley, in the summer of 1863. The post was first called Fort Cottonwood, but was later changed to Fort McPherson. Notwithstanding these preparations on the part of the government, the number of soldiers sent into Nebraska was entirely inadequate to the demands of the situation. The winter of 1863-64 was very severe. In consequence of their hostile attitude the government had withheld the annuities of some of the tribes, and the cold and hunger to which they were subjected rendered the Indians sullen and vicious. At Plum Creek, in Dawson county, a number of cattle strayed away from the camp of a party of emigrants and freighters, who offered a reward for their return. A party of Cheyennes found the missing cattle, drove them to the camp and claimed the reward. Their demands were refused by the freighters, and the Indians drove the cattle away again. They were followed by troops, however, and after a fight, in which several on each side were killed or wounded, the soldiers took the cattle by force and returned them to the owners. A large party of Sioux and Cheyennes was then collected, and the freighters at Plum Creek were massacred. The intention was to attack other places at the same time, but some of the Indians were slow to move, and this gave

the whites time to flee to places of safety or fortify themselves for defense. Prior to this time the Indians had been robbing mails, murdering settlers, killing or driving off stock, and carrying women and children into captivity. After the Plum Creek affair hundreds of people living in the western counties left their homes, took with them such of their effects as they could hastily gather, and sought the older and more populous portions of the state for safety. Seeing that the Federal troops were not sufficient to subdue the Indians, Governor Saunders called for additional volunteers. Four companies of militia, numbering about 225 men, answered the call and rendered good service in suppressing the insurrection.

Altogether Nebraska furnished 3,307 officers and men to the Union army during the Civil war. The First regiment numbered 1,370; the Second, 1,384; the Curtis Horse (four companies), 341; the Pawnee Scouts, 120, and the Omaha Scouts, 92. Whether in the military operations against the Confederates or against the hostile Indians of the frontier, these troops (from the youngest child of the American Republic) gave a good account of themselves, and future generations owe them a debt of gratitude for their gallant services in assisting to preserve the Union and in protecting the homes of the western pioneers from the depredations of savages.

While the war was in progress, little was done toward building up the civic institutions of the territory. On December 2, 1861, the eighth session of the legislature met at the territorial capital. John Taffe was elected president of the council, and A. D. Jones, speaker of the house. During the sitting the name of Greene county was changed to that of Seward, Calhoun to Saunders, Shorter to Lincoln, and the counties of Holt and Stanton were created. No further meeting of the legislature was held until January 7, 1864, when the ninth session met and organized by electing E. A. Allen president of the council and George B. Lake speaker of the house. The county of Clay was disorganized by this legislature, the north half of it being attached to Lancaster county and the south half to Gage. An act establishing a standard of weights and measures for Nebraska products was passed, and several territorial roads were ordered.

On April 19, 1864, congress passed an act authorizing the people of Nebraska to form a constitution and take the necessary steps to be admitted into the Union as a state. The enabling act defined the boundaries, and provided for a constitutional convention on the first Monday in July, delegates to which were to be

elected as the governor might proclaim. An election of delegates took place in May, but it so happened that a majority of them were opposed to the formation of a state government just at that time. Consequently, when the convention met in July, it had no sooner organized than a motion was made to adjourn *sine die*. The motion prevailed and an adjournment was taken without any attempt being made to draft a constitution. This act was mainly due to the fact that during the war the growth of the territory had been somewhat slow, and many of the people felt that the population was not large enough, nor sufficiently wealthy, to maintain the expense of a state government. With the return of peace, in 1865, the situation changed. The tide of emigration again turned westward, and with returning prosperity there came also a change of sentiment regarding the question of statehood, although the legislature of 1865 took no action on the subject, nor was it discussed in the campaign of that year. It was therefore something of a surprise, especially to the opponents of statehood, when the eleventh legislature, which met in January, 1866, resolving itself into a constitutional convention. In organizing the two houses at this session, O. P. Mason was elected president of the council and J. G. Megeath speaker of the house. The former was a Republican and the latter a Democrat, but both were friendly to the admission of the territory into the Union. The constitution was drafted in the law office of W. A. Little, Chief Justice William Kellogg, O. P. Mason, George B. Lake, Governor Saunders, and A. S. Paddock being among the framers. When it was introduced in the legislature, it met with considerable opposition, but through the influence of Little and Mason it was finally passed and received the official approval of Governor Saunders February 9.\*\* The constitution was submitted to the voters at an election June 2, and was ratified by a vote of 3,928 to 3,828. At the same time state officers were elected, as follows: Governor, David Butler; secretary of state, Thomas P. Kennard; auditor, John Gillespie; treasurer, August Kountze. Champion S. Chase was appointed state's attorney.\*

Immediately after the adoption of the constitution, Governor Saunders issued a proclamation for the legislature to meet in extra session, July 4, to elect United States senators and thus

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\*\* W. A. Little was a Democrat. He and Mason were personal friends, though political opponents. At the first state election they were opposing candidates for chief justice of the supreme court. Little was the only man on the Democratic ticket elected, and Mason the only Republican defeated. Judge Little died soon after the inauguration of the state government and Governor Butler appointed Mason to the vacancy.

\* The constitution did not provide for an attorney general, but an act of the legislature authorized the governor to appoint a state's attorney.

complete the state government. During the campaign for the adoption of the constitution, the question became largely one of party politics, the Republicans favoring its adoption and the Democrats opposing it. The former argued the great development that would come to Nebraska as a state, while the latter emphasized the fact that congressional assistance would no longer be received in meeting the expenses of government, and that the burden of taxation would rest upon the people. The small majority by which the constitution was adopted, together with the charge that it had been gotten by fraudulent practices, encouraged the Democrats to carry the fight into the legislature. A canvass of the legislature showed that the opponents of admission had a very slight majority. The plan was to utilize this majority to secure an adjournment, *sine die*, as soon as the organization was effected. In the senate the plan was carried out without trouble, that body deciding by a majority of one to adjourn. A similar result followed the ballot in the house. The speaker was a little slow, however, in announcing the vote. This gave Representative Hathaway, of Cass county, a chance to change his vote to the negative, so that in the end the majority of one was the other way, and the opponents of statehood were foiled by a very narrow margin. When the house failed to adjourn, the senate re-assembled and assisted in the election of General John M. Thayer and Thomas W. Tipton to the United States senate.

On July 18, congress passed a bill to admit Nebraska, but it failed to receive the president's approval. At the next session, in January, 1867, congress passed another bill, one provision of which was that the act was not to take effect "except upon the fundamental condition that within the state of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person by reason of race or color, except Indians not taxed;" and upon the further fundamental condition that "the legislature of said state by a solemn public act shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act, upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the state; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete."

President Johnson vetoed the bill, because it imposed conditions not contained in the original enabling act. February 8, the bill



was passed in the senate, over the veto, by a vote of 30 to 9, and the next day it passed the house by a vote of 120 to 43. Governor Saunders called the legislature to meet February 20, to take action upon the conditions imposed by congress. The legislature did not remain in session any longer than to pass the act accepting the "fundamental conditions," and on the first day of March President Johnson issued his proclamation declaring Nebraska admitted.

## CHAPTER II

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### From Butler to Garber

DAVID BUTLER, the first governor of the state of Nebraska, was born in Monroe county, Ind., December 15, 1829. He lived on the homestead where he was born until he was twenty years of age, acquiring such education as he could from the common schools, and by private study. When he reached his majority, he became associated with his father in the cattle business until the latter's death when he engaged in mercantile pursuits. The panic of 1857 swept away almost everything he possessed, and the next year he emigrated to Nebraska, locating near Pawnee City. In his new home he took up the business of cattle raising, and in a few years retrieved his losses. His first introduction to politics was in 1861, when he was elected a member of the Nebraska legislature. In 1866 he was elected governor, under the first constitution, and, upon President Johnson's proclamation, inaugurated the state government. He was re-elected in 1868, and again in 1870. The legislature of 1871 impeached him for a technical violation of law, though a subsequent legislature expunged all mention of the impeachment from the records. He died of heart failure, May 25, 1891, at his home about three miles west of Pawnee City.

One of the first official acts of Governor Butler was to issue a proclamation calling the legislature to meet in special session, May 16, 1867, to enact certain laws made necessary by the constitution. In the call he also recommended a re-apportionment of the legislative districts, and the removal of the capital to some more central point. In order that the situation regarding the removal of the capital may be understood it will be necessary to

glance backward at the work of the territorial government. The same is true of the legislative apportionment. When Governor Burt first arrived in the territory, certain remarks he made led some of the people of Bellevue to think that he intended to locate the capital at that place. He died, however, before taking any action, and the work of locating the capital fell to Secretary Cuming, who decided in favor of Omaha. In apportioning the members of the first legislature, Governor Cuming gave the northern counties a little the best of the situation. Burt, Douglas, Dodge, and Washington counties, with a population of four hundred and two, according to the first census, were given seven councilmen and fourteen representatives, while the counties of Cass, Pierce, Forney and Richardson, with a population of three hundred and ninety-eight, received six councilmen and twelve representatives. This apportionment started a rivalry between what was called the North Platte country and the South Platte country, that continued until the state was admitted into the Union. Although the South Platte country, at the time of admission, was about twice as populous as the North Platte country, the politicians north, particularly the Douglas county contingent, had managed to hold the representation of the southern counties down to seven of the thirteen councilmen and twenty-one of the thirty-seven representatives. With regard to the location of the capital, the North Platte country was a unit for Omaha, while the South Platte country was divided. Another dilemma that presented itself, in connection with the measure of re-apportionment, was the question of partisan advantage. The counties of Douglas and Otoe were strongly Democratic. To cut down their representation in the legislature, would give the Republicans the advantage in the election of United States senators. This was the situation when the last territorial legislature took up the consideration of a bill, in February 1867, to reapportion the members. After a stormy time in the house, during which an effort was made to depose the speaker, and revolvers were drawn, the session adjourned without passing the bill, and it was left for the incoming state government to solve the problem.

What is called the first state legislature was the one which met July 4, 1866, for the election of United States senators. The second session was that which met in February, 1867, to act upon the fundamental conditions enjoined by the act of congress. But the first session that really transacted any business in the way of legislation was the special session of May 16, 1867. Following is a list of the members of this legislature—in the senate: Harlan

Baird, J. T. Davis, Isaac S. Hascall, J. H. N. Patrick, E. H. Rogers, F. K. Freeman, Lawson Sheldon, J. E. Doom, W. W. Wardell, Mills S. Reeves, Thomas J. Majors, William A. Presson, Oscar Holden;—in the house: J. T. Hoile, G. Duerfeldt, J. M. Deweese, T. J. Collins, J. R. Butler, William Daily, George Crowe, Louis Waldter, C. F. Hagood, A. F. Harvey, W. M. Hicklin, John B. Bennett, George W. Sroat, D. M. Anderson, W. F. Chapin, D. Cole, A. B. Fuller, Isaac Wiles, E. L. Clark, William Baker, A. W. Trumble, George N. Crawford, G. W. Frost, J. M. Woolworth, Martin Dunham, Joel T. Griffin, John E. Kelley, D. C. Slader, John A. Unthank, Austin Rockwell, Henry Beebe, James Preston, George P. Tucker, Henry Morton, Oliver Townsend, John Cadman.

When it was learned that the governor intended to call a special session, the Republican leaders insisted that the matter of reapportionment be included in the call. Both Democrats and Republicans, in the South Platte country, urged the question of removing the capital and asked the governor to specify it in his proclamation. The United States senators were elected and seated, and the Democrats south of the Platte no longer feared losing a partisan advantage on that score. This was especially true in Otoe county. The members from that county told the governor that, if he would add the removal of the capital to the call, they would vote for a re-apportionment bill. In this way the governor was led to include both subjects in his call for a special session. When the legislature met, the senate was organized by the election of E. H. Rogers, president, and L. L. Holbrook, secretary; the house electing W. F. Chapin, speaker, and J. S. Bowen, chief clerk. June 4, a bill was introduced in both houses providing for the removal of the capital. Governor Butler, Secretary of State Kennard, and Auditor Gillespie were named as commissioners to select a location somewhere in the south half of Butler or Saunders counties, or in the north part of Lancaster. The commissioners were required to give bond in the sum of sixty thousand dollars, for the faithful performance of duty, and were authorized, when a site had been decided on, to sell lots to the amount of fifty thousand dollars, or more, and use the money in erecting a capitol building. The bill passed the senate June 10, by a vote of eight to five, and two days later passed the house, twenty-five to ten.

The commissioners visited Camden, Ashland, Yankee Hill and other places, but finally decided in favor of the town of Lancaster, the county seat of Lancaster county. By the provisions of the bill the capital city was to be called "Lincoln," in honor of the



martyred president and the name of Lancaster was therefore changed to conform to the conditions laid down in the act authorizing the removal. The Omaha newspapers treated the whole proceeding as a joke, until the commissioners made their report, August 14, in favor of Lincoln, and ordered the first sale of lots in September. Then the friends of the old capital changed their tactics. The first effort to obstruct the removal came in the way of a claim that the bonds of the commissioners had not been filed in the time required by law. The bonds had been approved by O. P. Mason, one of the supreme court judges, but the state treasurer instead of filing them simply deposited them in the vault. Judge Mason cleared up this difficulty by his statement that the bonds were approved in due time, and that to his personal knowledge they were deposited with the treasurer within the time required. Sales of lots were held at Lincoln, Nebraska City, Omaha, and other points, until fifty-three thousand dollars worth had been disposed of. Under the law this fund was to be deposited with the state treasurer, and was to be known as the "Capitol Building Fund." Having failed to block the removal game on the first trial, steps were taken by the friends of Omaha to enjoin the state treasurer from paying out any of the money on the order of commissioners. In this emergency the bondsmen of the commissioners came to the rescue of the removal project by assuming the responsibility for the safe-keeping of the fund, and instructing the board not to place it in the hands of the treasurer. It was therefore placed in private banks.

Plans for a building were prepared in the fall of 1867, by James Morris, a Chicago architect, and the contract for the erection was let to Joseph Ward, also of Chicago. Late in the season work was begun, the object being to have the structure completed in time for the meeting of the legislature in January, 1869. In the construction of this first building, stone was hauled from Beatrice, a distance of fifty miles, and the lumber was hauled from the Missouri river. Notwithstanding these difficulties the building was completed in time, the governor announcing the fact just before the election of 1868.

In the campaign of 1868, Nebraska, for the first time, participated in the election of a president. April 29, a Republican convention assembled at Nebraska City, nominated three presidential electors, renominated Governor Butler, Secretary Kennard and Auditor Gillespie, and named James Sweet for treasurer. The convention adopted a platform pointing with pride to the record of the Republican party, particularly to its work of saving

the Republic. It enacted a homestead law ; chartered and endowed the Pacific railroad, and justified its attitude on the question of reconstruction. The Democrats met in convention at Omaha, August 5, and nominated a state ticket with J. R. Porter as the candidate for governor, and A. J. Poppleton as a candidate for congress. The nomination of Seymour and Blair as the party candidates for president and vice-president was endorsed. The convention declared that only the white race should be entrusted with the right of suffrage ; that the people of Nebraska had voted against negro suffrage in the adoption of the constitution, and that the legislature, in accepting the conditions of congress, were guilty of a violation of the trust reposed in them. At the election, November 3, the Republican electors received nine thousand seven hundred and twenty-two votes, and the Democrats, five thousand five hundred and eighteen. For governor, Butler received eight thousand five hundred and seventy-six to six thousand three hundred and forty-nine for Porter.

By the enabling act of 1864, congress gave to the state of Nebraska sections sixteen and thirty-six in each township in the state, as an endowment for her common schools ; twenty sections for the erection of public buildings ; fifty sections for a penitentiary ; seventy-two sections for a state university ; twelve salt springs, with six sections of land each, to be disposed of as the legislature might elect, and five per cent of the proceeds of all sales of public lands within the state as an additional endowment for the public schools. In his message to the legislature, which met at Lincoln in January, 1869, Governor Butler announced that these lands had all been selected, and that the state was possessed of about three million two hundred and fifty thousand acres of land. He urged the importance of establishing a common school system ; of building a penitentiary ; of founding a university, and of erecting a number of bridges across the Platte, especially at Ashland, Columbus and Grand Island. He also mentioned that the insane of the state were being cared for at the Iowa asylum, at Mount Pleasant, at a cost of more than five thousand dollars a year, and asked the legislature to consider the advisability of building an insane asylum.

February 15, the legislature passed an act authorizing the sale of the rest of the lots belonging to the state, at Lincoln, and the application of the proceeds to the erection of university buildings, the cost not to exceed one hundred thousand dollars. By the middle of June thirty-thousand dollars had been realized from the sale of lots, and in August the contract for the construction of

the buildings was let for one hundred and twenty-three thousand four hundred and eighty dollars. There was some criticism of the board of regents for going beyond the cost stipulated by the legislature, but it was of short duration, and September 23, witnessed the ceremony of laying the corner-stone. At that time the capital city had no band, and one was brought from Omaha to furnish the music for the occasion. The legislature of 1869 also passed an act establishing a common school system. The act contained ninety-five sections, embodying many good features, some of which have since been adopted by other states. An election law, in which the qualifications of voters were defined, registration provided for, and other safeguards thrown around the ballot, was enacted. Preliminary steps for the erection of buildings for an insane asylum at the capital were taken.

May 10, marked the completion of the Pacific railroad, and the event was celebrated at Omaha with impressive observances. Telegraphic communication had been established with Promontory, Utah, where the final ceremony was to take place. The city was decorated with flags and banners, and the people wore their holiday costumes. When the last stroke of the silver hammer was given to the golden spike that completed the greatest railroad achievement of the age, the telegraph instruments over the country clicked out the message "It is finished." At Omaha a salute of one hundred guns announced to the surrounding country "It is finished." From that time the growth of Omaha has been onward and upward until it is one of the leading commercial cities of the West.

The legislature of 1870 authorized the regents of the university to purchase the necessary furniture, scientific apparatus, etc., for the opening of the institution; passed an act providing for the erection of a penitentiary at Lincoln, and created a board of immigration. William Bischoff, Fredrick Kruz, and C. C. Smith were appointed on the board, and C. N. Karstens was named as state agent at New York. The commissioners circulated a large number of pamphlets and circulars, calling attention to the natural advantages of Nebraska, and during the next few years there was a healthy growth of population.

The political campaign of 1870 was for the election of state officers and a member of congress. August 10, the Republicans met in convention and nominated the following ticket: Governor, David Butler; secretary, W. H. James; auditor, John Gillespie; treasurer, Henry Koenig; superintendent of public instruction, J. M. McKenzie; attorney-general, George H. Roberts; member

of congress, John Taffe. Resolutions endorsing President Grant's administration and reaffirming the declarations of 1868 were adopted. The Democratic convention met at Plattsmouth, September 7. John H. Croxton was nominated for governor; Paren England, for secretary; Jacob Vallery, for treasurer; A. T. Conkling, for superintendent; W. H. Munger, for attorney-general, and George B. Lake, for congress. The platform declared that all taxation ought to be equal and uniform and for public purposes only; for this reason a protective tariff was denounced as unjust. The state government was declared guilty of manipulating the school and other lands belonging to the state, in the interest of individuals, and the people were called upon to change the administration. At the election, October 11, the Republican ticket was successful. For governor nineteen thousand seven hundred and seventy-four votes were cast. Of these Butler received eleven thousand one hundred and twenty-six and Croxton eight thousand six hundred and forty-eight.

During the campaign the suggestions of malfeasance, contained in the Democratic platform, were taken up by the newspapers, and Governor Butler was openly charged with corruption in office. When the legislature met, January 5, 1871, the matter was brought before it for consideration. The constitution provided that the governor, secretary of state, treasurer, and judges of supreme and district courts should all be liable to impeachment for misdemeanors in office. The house of representatives was given the sole power to institute impeachment proceedings upon the vote of a majority of the members, but the charges were to be tried by the senate, the judgment to extend only to removal from office and disqualification from holding office in the future. Two thirds of the senators, when sitting as a court of impeachment, were necessary to convict the accused. On the 1st day of March, a committee from the house appeared before the senate with formal articles of impeachment against Butler. The charges set forth that, the Nebraska legislature had passed a memorial and joint resolution, calling the attention of congress to the fact that a sum of money—the five per cent of the revenues derived from the sale of public lands—was due the state, and authorizing the governor to employ any assistance to collect it; that in pursuance of that resolution the governor had procured the sum of sixteen thousand eight hundred and eighty-one dollars and twenty-six cents and converted it to his own use, and that he had thus been guilty of a misdemeanor in not paying the money into the state treasury. He was further charged with using his power unlaw-



fully in certain ways, viz: M. J. McBird, the architect on the state university buildings, had presented a claim for services in August, 1869, and Governor Butler had offered to procure a warrant for three thousand seven hundred and fifty dollars, provided McBird would accept two thousand dollars and allow the governor to retain one thousand seven hundred and fifty dollars for himself. It was also charged that he had made a demand upon D. J. Silver, the contractor on the university buildings, for ten thousand dollars; that he had agreed for a consideration of seven hundred and fifty dollars to secure the appointment of N. C. Brock as treasurer of the board of regents of the university; that in leasing some of the saline lands to A. C. Tichnor, J. F. Green, and others, he had been guilty of trying to obtain five thousand dollars from the lessees in an unlawful manner, and that he had drawn two thousand dollars as fees due the attorney-general, when there was but one thousand dollars due. Other charges of a like nature were preferred.

When the impeachment charges were filed with the senate, Sen. Isaac S. Hascall moved that Sec'y of State W. H. James be notified to act as executive pending the trial. March 6, the senate met as a court of impeachment, and writs were served upon the governor. The next day Governor Butler appeared with his attorneys, Clinton Briggs, John I. Redick and T. M. Marquette, and filed his answer to the charges, the answer being in the nature of a general denial. Senators J. C. Myers, J. E. Doom and DeForest Porter were appointed a committee to manage the trial. Experience Estabrook was employed as counsel, and the proceedings began on the 14th of March. The trial lasted until June 2, and resulted in the governor's being found guilty of the first charge, relating to the appropriation of the sixteen thousand eight hundred and eighty-one dollars and twenty-six cents to his own use, and being acquitted on all the others. On motion of Sen. Leander Gerrard, Governor Butler was declared removed from office, though the order did not disqualify him from holding office in future. One of the charges against the governor was that of corruption in connection with the building of the insane asylum. The contract for this building, the cost of which edifice was one hundred and twenty-thousand dollars, had been made by the governor, and, as soon as it was completed, the structure was pronounced unsafe. While the impeachment charges were pending, it was destroyed by fire, and Governor Butler's enemies did not hesitate to accuse him of being accessory to the incendiarism.

Ever since the adoption of the constitution of 1866, there had

been a growing feeling that it was inadequate to the needs of a new and progressive state. The legislature of 1871 therefore passed an act calling a convention to meet at Lincoln on the second Tuesday in June, to alter, amend or revise the constitution. The act provided for the election of fifty-two delegates on the first Tuesday in May, and appropriated the sum of fifteen thousand dollars to defray the expenses of the convention. The delegates met according to the provisions of the act and remained in session until August 19. The result of their labors was a new constitution, differing essentially from the old organic law. Provisions for the office of lieutenant-governor and a supreme court of three judges were made in the new constitution; the legislature was increased to nineteen senators and fifty-seven representatives; special legislation in certain lines was prohibited, and the taxation of church property was provided for. A special election was ordered for the third Tuesday in September, when the people should vote upon the ratification or rejection of the work of the convention. At that election the constitution was rejected by a vote of eight thousand six hundred and twenty-seven to seven thousand nine hundred and eighty-six. Several causes contributed to its defeat. Fault was found with the increase in the number of members of the legislature; some objected to the creation of a supreme court; others thought the salaries of state officials were fixed too high, and the church people opposed the adoption of the instrument, because it provided for the taxation of church property.

An adjourned session of the legislature met at Lincoln, January 9, 1872, to make some provisions for the care of the insane, and enact other needed laws. An appropriation of four thousand five hundred dollars for the erection of a temporary insane asylum, to replace the one destroyed by fire the preceding spring, was made. Another act called upon the constitutional convention of 1871 to re-assemble and make a second effort to revise the constitution. Governor James regarded this proceeding as a willful disregard of the will of the people, as expressed at the election in the previous September, and vetoed the bill. This aroused considerable ill feeling on the part of some of the members. A few days later a difference of opinion between the two houses, regarding the disposition of some of the saline lands belonging to the state, was manifested, and the senate adjourned, January 20, to meet again in December. Some of the senators, however, continued to meet with the house, and Governor James, acting by authority of the constitution, declared the legislature

adjourned sine diê. The ill feeling engendered by the veto of the convention bill was increased. The house refused to entertain the governor's message adjourning the legislature, and the senate adopted resolutions declaring the office of governor vacant, and asked the members of the house to concur therein and to meet in joint session on the 24th to elect a governor. On the day fixed for this election, a quorum could not be obtained, and the legislature adjourned. But the end of the trouble had not been reached. Under the old constitution it was provided that "if, during the vacancy of the office of Governor, the Secretary shall be impeached, displaced, resign, die, or be absent from the State, the powers and duties of the office of governor shall devolve upon the President of the Senate; and, should a vacancy occur by impeachment, death, resignation, or absence from the State of the President of the Senate, the Speaker of the House of Representatives shall act as Governor till the vacancy be filled."

Soon after the adjournment of the legislature, Governor James was called away from the state on business. Under the provisions of the constitution above quoted, Isaac S. Hascall, president of the senate, assumed the gubernatorial prerogative, and issued a proclamation for an extra session of the legislature to meet February, 18. A telegram was sent to Governor James, who hurried back to Lincoln and revoked Hascall's proclamation. In this he was sustained by the supreme court, and the extra session came to an end on the fourth day after it was convened.

A spirited controversy between Omaha and Council Bluffs, Iowa, as to which city should be the terminus of the Union Pacific railroad occurred during the spring of 1872. While the question was still unsettled, the legislature of Iowa passed an act to compel all railroads terminating at the boundary of the state to make transfers of all passengers and freight within the state. This act was resented by the people of Nebraska in a convention at Omaha, March 27, at which the following resolution was adopted: "That, in view of this hostile legislation, we call upon our capitalists and business men to take immediate measures for the construction and early completion of a line of railway from the southern to the northern boundary of the State, to the end that trade and business of our State, as well as the commerce to the west of us, may find its way to and from the South and East. That these recommendations are not made in any retaliatory spirit, but solely for the purpose of suggesting to our people a way by which they can easily avoid paying the tribute and bearing the burdens which are sought to be imposed upon us." The controversy was finally settled in favor of Council Bluffs.

All political parties held conventions early in the season to select delegates to the national conventions. August 28, two conventions, one of Democrats and the other of Liberal Republicans, assembled at Lincoln for the purpose of nominating a joint state ticket. A conference committee was appointed to apportion the offices to each of the two parties, and the next day this committee reported that the following apportionment had been agreed upon: The Democrats to nominate the candidates for governor, chief justice, one district judge, and the attorney-general; the Liberal Republicans to name the congressman, secretary of state, auditor, treasurer, one district judge, and one state-prison inspector. The report was unanimously adopted by each convention, and the two assemblages then met together and nominated the following ticket: For governor, H. C. Lett; chief justice, James M. Woolworth; associate justices, S. H. Calhoun and Seth Robinson, secretary of state, Christian Rathman; auditor, J. R. Clarke; treasurer, F. W. Hohman; attorney-general, August Schoenheit; state-prison inspector, L. H. Rogers; congressman, Jesse F. Warner. The name of the "Liberal party" was adopted, the nomination of Horace Greeley and B. Gratz Brown was endorsed, and a resolution declaring that "the safety and prosperity of our State demand a radical and immediate reform in State government, and we wish all good men to unite with us to effect this end," was adopted.

The Republican nominating convention met at Lincoln, September 4. Three days were consumed in the selection of candidates. Robert W. Furnas was nominated for governor; John P. Gosper, for secretary of state; John B. Weston, for auditor; Henry A. Koenig, for treasurer; J. R. Webster, for attorney-general; Wallace W. Abbey, for state-prison inspector; George B. Lake, for chief justice; Daniel Gantt and Samuel Maxwell, for associate justices; Lorenzo Crounse, for congressman. A temperance convention met at the same time and place, but made no nominations. The election occurred October 8, and resulted in the selection of the entire Republican ticket, the vote for governor being 16,543 for Furnas to 11,227 for Lett. At the presidential election in November, Grant received 18,329 votes and Greeley, 7,812.

Robert Wilkinson Furnas, second state governor of Nebraska, was born on a farm in Miami county, O., May 5, 1824. At the age of seventeen he was apprenticed to a printer at Covington, Ky., and acquired the most of his education while learning his trade. When he was twenty-three, he became the proprietor of the Troy, Ohio, *Times*. In 1856 he removed to Nebraska and



located at Brownville, becoming the publisher of the *Nebraska Advertiser*. For four years he was a member of the council in the territorial legislature. At the breaking out of the Civil war, he recruited the Second Nebraska regiment, of which he was commissioned colonel, and was afterward given the command of the Indian brigade. Governor Furnas has held several important positions, in all of which he has acquitted himself with credit. He was, for a time, the agent of the Omaha and Winnebago Indians; commissioner of the great expositions at Philadelphia, New Orleans and Chicago; president of the state board of agriculture; regent of the state university; grand master of the Masons and Odd Fellows, and is a writer of note on agricultural subjects. Since his retirement from public life, he has lived at Brownville, where he is engaged in farming and tree culture.

The legislature of 1873 assembled January 9, and on the fourth day of the term the new administration was inaugurated. The work of the board of immigration had borne fruit. A large number of immigrants had come to Nebraska, had pushed the frontier farther to the west, and at this session several new counties were created. In defining the boundaries so many clerical errors were made that the meaning was rendered uncertain. To remedy this defect the governor called a special session, which met on the twenty-seventh of March, and remained in session two days.

One of the severest storms ever known to Nebraska occurred April 23, of this year. It began with a fall of rain—a gentle April shower—but the temperature fell rapidly, and the rain soon turned to snow. For forty-eight hours the air was filled with a blinding snow, accompanied by a biting northwest wind. A number of unfortunate individuals, caught away from their homes and unable to find their way across the prairies, perished in the storm. Live stock suffered severely, and the storm had a very depressing effect upon the new settlers. There have been storms before and since, but the great blizzard of April, 1873, will long be remembered by the people of Nebraska.

About the year 1873 an organization called the "Order of American Farmers and Mechanics" became prevalent through the Northwest. In common parlance the organization was known as the "Farmers' Movement." The Grand Castle of the order held a convention at Lincoln, July 29, 1873, and adopted a series of resolutions proclaiming the objects of the order to be "the accomplishment of honesty and purity in political action; integrity, sincerity, truthfulness, and justice in our public servants; to be their masters in fact, and not in name alone; to secure a just

and equitable administration of all public affairs; to rid our Legislatures and our Congress of monopolists and corruptionists, and of their control; to effect the passage and enforcement of just laws for the benefit of the whole people; and to infuse a spirit of sincerity, truth, and justice, into the entire body politic, from the centre to the extreme of the nation."

The resolutions denounced the "back pay grab," as it was called, in which congressmen voted themselves increased salaries, and dated back the taking effect of the law to cover an entire term of office. One resolution declared that "we deem it better and cheaper for our servants in Congress to prevent crime among themselves, than to investigate it, and let the criminals go unpunished."

In the political campaign of 1874, four tickets were presented to the voters of Nebraska for their consideration. September 2, the Republican state convention met at Omaha. Silas Garber was nominated for governor; Bruno Tzschuck, for secretary of state; J. C. McBride, for treasurer; George H. Roberts, for attorney-general; Lorenzo Crounse, for congressman. The platform declared in favor of protection to honest labor; of free banking under a well guarded national system; of rigid accountability of all office holders, state or national; of the election of president, vice-president and United States senators by popular vote; of rendering railroads, by wise legislation, subservient to the public good; of taxing corporations on the same basis as individuals; of a new state constitution, and of submitting to the people the question of a prohibitory amendment, or a local option and license law, as the best method of dealing with the liquor traffic. A week later an Independent convention met at Lincoln, and nominated a ticket with J. F. Gardner as the candidate for governor and James W. Davis, for congress. The convention adopted a long platform, in which it was declared that the police power is inherent in the people; that the Federal constitution with all its amendments should be preserved; that the resumption of specie payment and the use of both gold and silver as money should prevail; that combinations to raise prices should be opposed; that a license law should be passed and that the simplification of the homestead law should be effected. The Democrats nominated Albert Tuxbury for governor; John A. Sherty, for secretary of state; Robert Jordan, for treasurer; Montgomery Lancaster, for attorney-general; and J. W. Savage, for congress. Opposition to sumptuary legislation in all its forms was declared; resumption of specie payments was favored, and laws to protect the people from extortion

and unjust discrimination by chartered monopolies, and to make railroads pay taxes the same as individual citizens, were demanded. The entire Republican ticket was elected by large pluralities, the vote for governor being as follows: Garber, 21,568; Tuxbury, 8,046; Gardner, 4,159; Church, 1,346.

A few grasshoppers, or Rocky mountain locusts, made their appearance in Central and Western Nebraska in 1873. The next season myriads of them came like a pestilence, and swept over the state, leaving desolation in their wake. Growing crops were devoured by the voracious insects, while the settlers stood helplessly by and looked upon the work of devastation. The greatest destruction occurred in the valleys of the different forks of the Loup river,—in Howard, Valley, Greeley and Sherman counties, and the losses fell upon a class of people little able to bear them. During the years 1872-73 a great many immigrants came to Nebraska. Most of them were poor people or at least people of limited means. In their quest for cheap lands or homesteads they finally located near what was then the margin of civilization. Many of them exhausted their little means during the year, and were wholly dependent upon their first year's crop for subsistence. With the coming of the locusts they saw their hopes blasted and starvation staring them in the face. In six of the western counties it was estimated that one-half of the population was rendered absolutely destitute. In this emergency an appeal was made to the charity of the country, and not in vain. September 18, a number of prominent citizens met and organized the "Nebraska Relief and Aid Society" to help the sufferers. Gen. E. O. C. Ord was elected chairman, and donations of both money and goods from the charitable people of Nebraska and surrounding states were asked. At the end of the year General Ord reported that cash contributions to the amount of thirty-seven thousand two hundred and eighty dollars, and goods to the value of thirty thousand dollars, had been received. The railroad generously transported everything for the grasshopper victims free of charge; the war department assisted by giving a large supply of clothing; congress made an appropriation of thirty-thousand dollars to purchase seed grain, and extended the time of payment to homesteaders. In his message to the legislature, in January, 1875, Governor Furnas, referring to the grasshopper visitation, said: "A very large proportion of those now on our extreme borders are ex-soldiers; those who responded promptly to their country's call in the late hour of peril, and who risked their all to preserve the liberties we all so much cherish. . . . . . Not

only we as a state owe a duty to these pioneers, but the general government as well."

Acting upon this suggestion the legislature passed an act authorizing an issue of bonds to the amount of fifty thousand dollars to buy seed grain for the settlers in the stricken counties.

Politically, the legislature of 1875 stood 38 Republicans to 15 Democrats and Independents. This assured the election of a Republican to succeed Thomas W. Tipton in the United States senate, and on the final ballot in joint session the choice fell upon Algernon S. Paddock. The new senator was a native of New York, and a lawyer by profession. He came to Nebraska in 1857, when he was but twenty-seven years old, and pre-empted a farm near Fort Calhoun. During the next two years he was employed as an editorial writer on the *Omaha Republican*. In the campaign of 1860 he took an active part as speaker and as a delegate to the national convention, and in 1861 was appointed secretary of Nebraska territory by President Lincoln. His term as senator began on the fourth of March, 1875.

Governor Furnas retired at the beginning of this session, and Governor Garber was inaugurated, January 11. Silas Garber, the third governor of the state of Nebraska, was born in Logan county, O., in 1833. He received the greater part of his education by the time he was seventeen years old, and while still a young man, believing that the new states of the West offered better opportunities to young men whose capital consisted chiefly of energy and ambition, went to Clayton, Ia. In 1862 he recruited Company D, Twentieth Iowa volunteers, and served to the close of the war, first as first lieutenant and afterward as captain. After the war he spent four years in California. He then settled in Webster county, Neb., where he was elected probate judge, and later was chosen to represent the county in the legislature. He served two terms as governor, being re-elected in 1876 by a largely increased vote.

At the election in 1874 the voters expressed themselves in favor of a revision of the constitution, and in his farewell message to the legislature, Governor Furnas said: "The people of this state in a constitutional manner, having at the late election proclaimed in favor of a convention to revise and amend the present constitution, it will be a duty incumbent upon you to provide that popular will be gratified. Details need not be suggested here. Suffice to say, that every interest of the State demands a change, and that as speedily as may be."

On February 20, Governor Garber approved an act calling a



convention for the second Tuesday in May. By the provisions of the act sixty-nine delegates were to be elected on the first Tuesday in April, and were to meet in the hall of the house of representatives at Lincoln, on the day designated. An appropriation of fifteen thousand dollars to defray the expenses of the convention was made. In accordance with this act the convention met, May 11, and organized by electing John Lee Webster, president, and Guy A. Brown, secretary. The revision amounted practically to a new constitution, and was completed on the twelfth of June and signed by all sixty-nine delegates, as follows: O. A. Abbott, Luke Agur, J. B. Becker, J. E. Boyd, Clinton Briggs, J. H. Broady, Charles H. Brown, S. F. Burtch, S. H. Calhoun, E. C. Carns, T. S. Clark, S. H. Coates, A. H. Conner, W. B. Cummins, James W. Dawes, J. E. Doom, W. L. Dunlap, R. C. Eldridge, J. G. Ewan, S. R. Foss, C. H. Frady, Joseph Garber, C. H. Gere, Henry Grebe, E. N. Grenell, George L. Griffing, William A. Gwyer, Andrew Hallner, J. D. Hamilton, James Harper, R. B. Harrington, J. B. Hawley, M. L. Hayward, D. P. Henry, B. I. Hinman, M. R. Hopewell, C. E. Hunter, A. G. Kendall, S. M. Kirkpatrick, James Laird, Charles F. Manderson, Frank Martin, A. W. Mathews, Samuel Maxwell, John McPherson, W. H. Munger, J. H. Stevenson, John J. Thompson, L. B. Thorne, Jacob Vallery, Sr., C. H. Van Wyck, Charles F. Walther, A. M. Walling, T. L. Warrington, A. J. Weaver, M. W. Wilcos, J. F. Zediker, and John Lee Webster.

The constitution was submitted to the people at a special election on the second Tuesday in October, and was ratified by a vote of 30,202 to 5,874. Two propositions were voted on separately, and both were adopted. The first provided that the capital of the state should never be removed without first being submitted to a vote of the people. The other stipulated that the electors of the state should have the privilege of expressing at a general election, their choice for United States senator. Both parties nominated candidates for judges of the supreme court, to be voted for at the special election, their taking office to be contingent upon the adoption of the constitution. The Republican candidates, George B. Lake, Daniel Gantt and Samuel Maxwell, were elected, and went into office with the taking effect of the new organic law, thus constituting the first distinctive supreme court in the state of Nebraska. In the constitution of 1875 the "fundamental condition," that no slavery nor involuntary servitude should ever exist except as a punishment for crime, was included in the bill of rights. Religious freedom was guaranteed; the right to a trial

by jury was firmly established; suspension of the writ of habeas corpus, except in cases of treason, was prohibited, and free speech was assured to every citizen of the state. But every one was to be held responsible for any abuse of the privilege extended; and the courts were declared to be always open to the people for a redress of injuries.

Under the constitution of 1866 the state auditor was elected for four years, all the other state officers being chosen for two years. The new constitution provided that all should be elected for two years, and the office of lieutenant governor was created. The legislative department was to consist of a senate of thirty members, and a house of representatives of eighty-four members, until the year 1880, after which time the membership could be regulated by law; but the number of senators should never exceed thirty-three, nor the number of representatives, one hundred.\* Besides the power to enact laws, the legislature was given the power of impeachment, during which proceeding the senate and house were required to act in joint convention, a majority of all the members being necessary to impeach. Laws of a local or special nature were forbidden.

The executive department was made to consist of a governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, and commissioner of public lands and buildings. No one who had not attained the age of thirty years, and been for two years next preceding his election a citizen of the United States and of the state of Nebraska, was eligible to the office of governor or lieutenant-governor. The salaries of the governor, auditor and treasurer were fixed at two thousand five hundred dollars each, per annum, and those of the other executive officers, except the lieutenant-governor, who was to receive twice the compensation of a senator were fixed at two thousand dollars.

The judicial power of the state was vested in the supreme court, district and county courts, justices of the peace, police magistrates, and such other courts as might be created by law. Six judicial districts were provided for, and the state was divided as follows: First district—the counties of Richardson, Johnson, Pawnee, Gage, Jefferson, Saline, Thayer, Clay, Nuckolls and Fillmore; second district—the counties of Douglas, Sarpy, Washington and Burt; fourth district—the counties of Saunders, Dodge, Butler, Colfax, Platte, Polk, Merrick, Hamilton, York,

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\* By the constitution of 1866 the number of senators was thirteen and the number of representatives thirty-nine.

Seward, Hall and Howard; fifth district—the counties of Buffalo, Adams, Webster, Franklin, Harlan, Kearney, Phelps, Gosper, Furnas, Hitchcock, Dundy, Chase, Cheyenne, Keith, Lincoln, Dawson, Sherman, Red Willow, Frontier and all the unorganized territory lying west of the district; sixth district—the counties of Cuming, Dakota, Dixon, Cedar, Wayne, Stanton, Madison, Boone, Pierce, Knox, Antelope, Holt, Greeley, Valley, and the unorganized territory lying west. Supreme and district judges were each to receive a salary of two thousand five hundred dollars per annum.

Besides the regular executive duties conferred by the constitution, the governor, secretary, treasurer, attorney-general and commissioner of public lands were constituted a board of commissioners, under direction of the legislature, to have charge of the selling, leasing, and general management of all school lands and the general management of school funds in such manner as prescribed by law. The principal of all funds for educational purposes was to be held as trust funds by the state, and was not to be invested in any way except in United States bonds, state bonds, or registered county bonds of the state of Nebraska. Should losses to any of these funds occur, from any cause whatever, the commonwealth was required to make them good, that the fund might remain forever inviolate and undiminished, as a basis for the support of the educational institutions of the state.

The legislature was prohibited by a special act from creating any corporation, or extending, changing, or amending the charter of any existing corporation. Railways were regarded as public highways, and were to be free to all persons for the transportation of person or property under such regulations as might be prescribed by law. The legislature was given power to regulate charges for the transportation of both freight and passengers, and all railroads and telegraph companies were prohibited from consolidating with competing lines. With non-competing lines consolidation could only take place after sixty days notice to the stockholders, in such manner as might be provided by law.

Amendments to the constitution could be proposed in either house of the legislature in the form of a joint resolution, and, if three fifths of each house voted for the proposed amendment, the secretary of state was authorized to publish the same in one newspaper in each county of the state, for a given time preceding the next general election, when the question should be submitted to the voters for their approval. If a majority of all the votes cast at the election were in favor of the amendment, then it should

become part of the constitution. By a provision contained in the constitution, it went into effect on the first day of November, 1875.

At that time the population of the state was about a quarter of a million. The taxable property was valued, in round numbers, at seventy-five million dollars. There were sixty organized counties, divided into more than 2,500 school districts, in which nearly 2,000 schoolhouses, worth more than a million dollars, had been erected. In these schools 60,000 children, out of a total of 86,000 of school age, were enrolled, and more than 3,300 teachers were employed. Upward of one million dollars was expended for education during the year. All the educational, charitable and penal institutions of the state were in a healthy condition. The state university at Lincoln, showed an enrollment of almost 300 students, and the state normal school at Peru, about the same number. The legislature of 1875 made liberal appropriations to the deaf and dumb institute at Omaha, and the insane asylum at Lincoln, and voted ten thousand dollars to found an institute for the blind at Nebraska City. Twenty-two companies of militia, well organized, drilled and equipped, and favorably dispersed over the state, gave the people along the frontier a feeling of security against Indian depredations. In 1870 Capt. W. T. Donovan and Mr. Hilton gave a site, south of the city of Lincoln, for a penitentiary. By an act of March 4, of that year, W. W. Abbey, F. Templin, and W. W. Wilson were appointed to sell the 34,000 acres of penitentiary lands and erect suitable buildings for a prison. Plans were advertised for, and the designs of William H. Foster, of Des Moines, Ia., were accepted. The contract was let to Stout & Jamison for three hundred twelve thousand dollars, and the building was completed in 1876.

The political campaign of 1876 was opened by the Democrats, who held a convention at Lincoln, April 19, to select delegates to the national convention at St. Louis in June, and to elect a state central committee. The Republicans met in convention at Fremont, May 23. Owing to a number of contested delegations, the convention was not organized until the following day. Six delegates were elected to the national convention at Cincinnati, and instructed to support James G. Blaine for president. Both parties held conventions later in the season to nominate candidates for the various state offices. September 6, the Democrats met at Omaha and named the following ticket: For governor, Paren England; lieutenant-governor, Miles Zentmeyer; secretary, Joseph E. Ritchie; auditor, G. P. Thomas; treasurer, Samuel Waugh; attorney-general, D. L. Ashby; superintendent of public



instruction, I. N. Jones; commissioner of public lands, Henry Grebe; member of congress, Joseph Holman. The convention adopted resolutions endorsing the platform of the St. Louis convention and the nomination of Tilden and Hendricks; declaring no faith in the Republican pledges of reform; denouncing the policy of the national administration in giving arms and ammunition to Indians, and in protecting them while leaving the frontier exposed, and demanding the utmost economy in the expenditures of the state government. September 28, the Republican nominating convention met at the capital, and was in session two days. Governor Garber, Secretary Tzschuck, Auditor Weston, Treasurer McBride, and Attorney-General Roberts, were all renominated. The ticket was completed by the selection of N. O. Abbott for lieutenant-governor; S. R. Thompson, superintendent of public instruction; F. M. Davis, commissioner of public lands, and Frank Welch, congress. Presidential electors were chosen by both parties at the late conventions. The Republican platform was in the nature of a review of the party's record, and endorsement of President Grant's administration and the financial policy adopted by the government, and a declaration in favor of liberal pensions to the soldiers of the Civil war. For presidential electors 53,389 votes were cast, divided as follows: Republican, 31,916; Democratic, 17,554; Greenback, 2,320; Prohibitionist, 1,599. The state election occurred in October, and the vote for governor was as follows: Garber, 31,947; England, 17,719; Gardner, the Greenback candidate, 3,017.

One of the duties imposed upon the legislature by the new constitution was to canvass the votes after each general election. As no regular session of the legislature would meet until January, 1877, the governor called an extra session of the old legislature to meet, December 5, to canvass the votes for presidential electors. The Democrats questioned the legality of such a proceeding, and asked the courts to restrain the electors from casting their votes. The courts declined to entertain the motion; however, the legislature met, canvassed the votes, and declared the Republican candidates elected. Some doubt being raised regarding the legal qualifications of one of the electors, the house of representatives adopted the following resolution:

*"Resolved*, by the House of Representatives of the State of Nebraska, That the Senate be and is hereby invited to meet the House in joint convention immediately after the adoption of this resolution, for the purpose of electing an elector of President and Vice-President of the United States, to fill said alleged vacancy."

Many members raised objections to this action, on the grounds that the legislature had no official knowledge of any vacancy in the office of elector; that the law required the presidential electors to be chosen by the people at a general election, and that the joint resolution under which the action was proposed was void, inasmuch as it had not been read on three separate days, as required by the constitution, and inasmuch it did not repeal the law governing the election of presidential electors. All the objections were overruled, the joint convention was held; an elector was chosen, and the electors met the next day and cast their votes for the Republican candidates for president and vice-president.

Considerable damage was done in 1876 by grasshoppers, and in October a convention of the governors of several of the Western states and territories met at Omaha to take steps to rid the country of the pests. A number of scientific men also attended the convention. At the suggestion of Governor Pillsbury, of Minnesota, it was decided to ask congress to render assistance, in the way of creating a commission to investigate the whole subject and make recommendations for dealing with the evil. The several governors present were requested to call the attention of the state legislatures to the matter, and to ask for the enactment of laws for the protection of birds which feed on insects; for the prevention of prairie fires until a time when the young insects could be destroyed by burning the grass, and for such other means as would contribute to the desired result. By the concerted action thus inaugurated, the once infested region has been almost completely rid of the insects that a few years ago were so destructive they threatened to render the country uninhabitable.

Two important cessions of land were obtained from the Indians in 1876. By the act of congress, April 10, the Pawnee reservation was ordered sold with the consent of the tribe, and a new reservation was given them in the Indian territory. September 26, the government made an agreement with the Sioux, Northern Cheyennes and Arapahoes, by which those tribes ceded all that portion of the state west of the Indian boundary established by the Fort Laramie treaty, in 1851, and north of the divide between the Platte and Niobrara rivers. The territory obtained by this cession is roughly marked by the counties of Cherry, Sheridan, Dawes, Box Butte and Sioux.

The legislature of 1877 elected Ex-Gov. Alvin W. Saunders to succeed Phineas W. Hitchcock in the United States senate for the term beginning on the fourth of March. Custer, Hayes,

Sioux and Wheeler counties were created from the unorganized portions of the state.\*

For some time prior to the establishment of Custer county, the territory comprising it had been used as a cattle range. With the definition of county boundaries, settlers began coming in and taking up homesteads. This was not to the liking of the cattlemen, as the homesteads spoiled the range, and collisions between the settlers and the cowboys were frequent. When thieves entered the range and drove off several cattle, the herders accused the settlers of the theft, and the situation became worse than ever. Among the cattlemen was I. P. Olive, who had several thousand head of cattle. Two settlers named Kellum and Mitchell had located homesteads in such a way as to interfere with Olive's range, and he determined to get them out of the way. Olive had with him his brother Robert, who went under the alias of Stevens. In the fall of 1878 warrants were sworn out for the arrest of Kellum and Mitchell, who were charged with the theft of some of Olive's cattle, and Sheriff David Anderson appointed Robert Olive a deputy to arrest the men. Taking three men with him, Olive went to their houses, where he found the two men getting ready to go away in a wagon. Riding up to them he commanded them to throw up their hands. Kellum, who always went armed, drew his revolver and fired hastily, mortally wounding Robert Olive. One of the cowboys then fired and wounded Kellum in the arm, after which the former rode off. The two settlers hurriedly gathered a few necessities and went to Merrick county. Leaving Mrs. Mitchell among friends, they started back to Custer county to surrender themselves to the authorities; but at Loup City they were dissuaded from carrying out their purpose, by Judge Wall, who feared they would be lynched by the cowboys if they returned. I. P. Olive offered a reward of seven hundred dollars for the arrest of the two men. They were taken into custody by Sheriff Gillman of Buffalo county, but the payment of the reward was refused until they were in Custer county. When they were taken back by Gillman, he found a mob of cowboys, under the leadership of Olive and Frederick Fisher, waiting to lynch them. In the excitement that followed Olive shot and killed Mitchell. Warrants for the arrest of Olive and Fisher were issued by Judge William Gaslin, but for some time no one could be found to serve them. The men were finally arrested by

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\*Part of Wheeler county has since been taken to form the county of Garfield, and Sioux county has been divided into the counties of Sioux, Dawes, Box Butte and Sheridan.

Att'y-Gen. C. J. Dilworth, and were tried at Hastings the following spring. Both received sentences of imprisonment for life in the penitentiary, but after serving about a year they were released by the supreme court on a technicality. The arrest and conviction of Olive and Fisher had a wholesome effect upon the situation in Custer county, for the cattlemen offered no further resistance to the occupation of the country by homesteaders.

Three tickets were nominated in the campaign of 1878. The Greenback party led off with a convention at Lincoln August 14, and nominated L. G. Todd for governor; O. T. N. Williams, secretary; S. H. Cummings, treasurer; S. H. Calhoun, attorney-general; E. H. Benton, auditor; James McCreery, commissioner of public lands; J. D. Howe, associate justice; J. W. Davis, congress. The convention promulgated a declaration of principles declaring that the power to create money and regulate the value thereof belonged to the government; that all government paper money should be a legal tender for debts, and that it was the duty of the government to redeem all bonds as fast as practicable. There were made demands for the coinage of silver upon the same footing as gold; for the repeal of the national banking law and the substitution of greenbacks for the national bank currency; for the improvement of the Mississippi and Missouri rivers; for the ownership of public lands by actual settlers; for a state law regulating freight rates on railroads, and for an investigation of the finances of the state. September 27, the Democratic convention met at Lincoln. W. H. Webster was nominated for governor; F. J. Mead, for lieutenant-governor; Alexander C. Bear, for the short term in congress; S. L. Barrett, for superintendent of public instruction; the rest of the places were filled by an endorsement of the Greenback candidates. Faith in the constitution with all its amendments was reaffirmed; opposition to subsidies for railroads and other private corporations was declared. A system of revenue that discriminated in favor of the rich and against the poor was denounced; sumptuary legislation in all its forms and all protective tariffs were opposed. The resolutions favored the postponement of the time for the resumption of specie payment, the removal of all restrictions to the coinage of silver and its remonetization, the gradual extinction of the public debt, and the supremacy of the civil over the military power. The Republicans did not hold their convention until the second of October, when they met at Lincoln and nominated the following ticket: For governor, Albinus Nance; lieutenant-governor, E. C. Carnes; secretary, S. J. Alexander; auditor, L.



Liedtke; treasurer, G. M. Bartlett; attorney-general, C. J. Dilworth; superintendent of public instruction, R. Thompson; commissioner of public instruction, R. Thompson; commissioner of public lands, F. W. Davis; supreme judge, Amasa Cobb; congress (short term), Thomas J. Majors, (long term), E. K. Valentine. Declarations in former campaigns were reiterated; and the demonetization of silver was declared to be a fraud upon the people by crippling their sources of paying debts. A protest was entered against the withdrawal of public lands west of the one hundredth meridian from settlement, and a demand was made for the removal of the Indians from the state as soon as practicable. The election took place November 5, and resulted in the success of the Republican ticket. For governor, Nance received 29,469 votes; Webster, 18,417; Todd, 9,475. The legislature of 1879, the members of which were chosen at this election, stood 19 Republicans, 5 Democrats and 6 Greenbackers in the senate, and 56 Republicans, 12 Democrats and 16 Greenbackers in the house.

When the city of Lincoln was founded, one block was set apart as the "Historical Block," the proceeds of which were to go toward collecting and preserving historical data relating to the state of Nebraska. The Historical Library Association was early formed for the purpose of carrying out the designs of the founders, but after a few years fell into disuse. In 1878 ex-Governor Furnas sent letters to a number of old settlers and leading citizens, suggesting a meeting at Lincoln during the state fair, to organize a historical society. Favorable replies were received in every instance, and a call was issued signed by about twenty, among whom were J. Sterling Morton, Alvin Saunders, Silas Garber, A. S. Paddock and Governor Furnas. The meeting was held on the twenty-fifth of September, and a society was organized that has met annually ever since and has done much to gather, by personal reminiscence and otherwise, the material facts relative to the settlement and growth of Nebraska.

With the assembling of the legislature on the seventh of January, 1879, Governor Garber retired, and two days later Governor Nance was inaugurated.

## CHAPTER III

## Events from Nance to Boyd

ALBINUS NANCE, the fourth state governor of Nebraska, was born at Lafayette, Starke county, Ill., March 30, 1848. At the age of sixteen he enlisted in the Ninth Illinois cavalry, and served till the regiment was mustered out. After the war he attended Knox College, at Galesburg, Ill., and then took up the study of law. He was admitted to the bar in 1870, and the next year went to Nebraska, taking up a homestead in Polk county. For a time he was engaged in both farming and practicing law. His law business increased to such proportions that he removed to Osceola, the county seat of Polk county, and devoted himself entirely to his profession. In 1874 he was elected to the state legislature, which step marked the beginning of his political career. Two years later he was a delegate to the Republican national convention, and was again elected to the legislature. During the session of 1877 he served as speaker of the house with such distinction that he was the next year nominated for governor. His record during his first term was so satisfactory to his party that he was renominated in 1880 by acclamation.

The legislative session of 1879 passed acts authorizing road supervisors to call out all voters to engage for twelve days in the work of killing grasshoppers, for which they were to receive two dollars a day, payable in county warrants; establishing a reform school at Kearney, and making liberal appropriations for the maintenance of the state institutions. A bill to appropriate one hundred thousand dollars for an additional wing to the capitol was introduced; after a prolonged debate the amount was reduced to seventy-five thousand dollars and passed over a great deal of

opposition and popular disapproval. The legislature of 1877 had passed an act authorizing the governor to appoint three commissioners to revise the statutes. Governor Garber appointed on this commission John H. Aines, A. H. Conner, and S. H. Calhoun. They met and organized in May, 1877, and made their final report to the session of 1879. Toward the close of that session a number of the members united in an effort to induce the governor to grant an extra session to consider the work of revision and provide for its completion. The governor declined to grant their wishes, and the work of revision was not fully completed until the session of 1881.

An election for an associate justice of the supreme court, six district judges, and two regents of the state university was held in November, 1879. Candidates were nominated by the Democratic, Republican and Greenback parties. The Republicans elected the associate justice, the two regents, and five of the district judges.

Considerable interest in a case in the United States district court for Nebraska, involving the rights of the Ponca Indians, was manifested about this time. In 1876 congress authorized the sale of the Ponca reservation in Dakota, and provided for the removal of the tribe to a new reserve in the Indian territory, "with their consent." This consent could never be obtained, and the tribe was finally removed by United States troops. The new reservation was proved to be very unhealthy, so much so, in fact, that 158 out of 581 of the Poncas died during the first year. A second reservation was located upon the Kaw river, but it was as bad as the first. At last Standing Bear, one of the Ponca chiefs, collected his family and a few of his immediate followers, and set out in the fall of 1878 for the old reservation in Dakota. About the first of January, 1879, they reached the Omaha reserve, in what is now Thurston county, Neb., after having traveled fifteen hundred miles. The Omahas, who spoke the same language as the Poncas, and with whom they were related by numerous intermarriages, took the wanderers in and gave them a home and the promise of land to cultivate. In the spring of 1879, General Crook, commanding the department, arrested Standing Bear and his followers for being off their reservation without permission. When he was about ready to take the Indians back to the reservation under guard, H. Tibbles, of the Omaha *Herald*, went before Judge Dundy, of the United States district court, and applied for a writ of habeas corpus in their behalf, to be served on General Crook. A. J. Poppleton and J. L. Webster, two prominent lawyers of Omaha appeared for the prisoners, and the

district attorney, G. M. Lambert, for the government. The case was argued, and on May 12, Judge Dundy decided that the Indian is a person within the meaning of the United States statutes, and entitled to the right of habeas corpus; that no authority existed for the removal of the Poncas with Standing Bear. He accordingly ordered their release. They were finally set free by order of the secretary of war.

According to the census of 1880 the population of Nebraska was 452,024—an increase of more than 350 per cent during the preceding ten years. Of this population 173,205 were in the North Platte country, and 279,197 south of the Platte. Progress along all lines during the decade was generally satisfactory. The taxable property had risen in value to more than ninety million dollars, and upward of 13,000,000 acres of land were under cultivation. The bonded indebtedness of the state was four hundred ninety-nine thousand two hundred and sixty-seven dollars, and the cash balance in the treasury on the last day of November was three hundred forty-three thousand dollars. The permanent school fund had grown to six hundred thirty-nine thousand dollars, which sum was invested in United States bonds and other approved securities, and more than a million acres of the school lands still remained unsold. School property had increased in value to more than two million dollars, and the per capita cost of tuition had been reduced from eight dollars and forty-five cents to five dollars and ninety-three cents without shortening the term or reducing the salaries of teachers. Railroad building had been carried on with such vigor that nearly 2,000 miles were in operation, and several lines were under construction. Good crops were realized by the farmers this year; companies were formed for the development of the coal fields; and altogether the lot of the Nebraskan in 1880 was about as felicitous as that of the citizen of any of the older states.

By the constitution of 1875 all fees and perquisites of public officials were cut off, and they were to receive instead a fixed salary, the fees going into the public treasury. For this reason the salary of the auditor of public accounts was increased from eight hundred dollars to two thousand five hundred dollars per annum. Early in the year 1880 Governor Nance learned that Auditor Liedtke was appropriating to his private use the fees paid by the insurance companies for the examination of their statements. In July the governor asked the auditor to file a report of the fees received and of the disposition of the funds. Liedtke reported about one thousand two hundred dollars in office fees,



and seven thousand four hundred and ninety-eight dollars received from insurance companies. Liedtke's predecessor had drawn pay as commissioner of public lands, and the supreme court of the state had held that the secretary of state, while discharging the duties of adjutant-general, was entitled to the fees belonging to that office. Liedtke, therefore, claimed the insurance fees as his private emolument for performing the duties of insurance commissioner. The attorney-general instituted proceedings against him in the supreme court, and obtained a judgment for the full amount of the fees collected. The auditor failed to comply with the order of the court, in the satisfaction of the judgment, and suit was commenced against his bondsmen. While the proceedings were pending, he vacated the office and left the state. Governor Nance appointed John Wallichs to fill the vacancy.

On September 2, the Republican state convention met at Lincoln to nominate a state ticket. All the old officers, except auditor, superintendent of public instruction, and land commissioner, were renominated by acclamation. John Wallichs was named for auditor; W. W. Jones, for superintendent; and A. G. Kendall, for land commissioner. E. K. Valentine was renominated for congress. The platform of the national convention was endorsed, and the nomination of Garfield and Arthur was approved. The remainder of the platform was chiefly a repetition of former declarations of party principles. The Democratic convention was held at Hastings, September 29, and the following ticket was nominated: For governor, Thomas W. Tipton; lieutenant-governor, S. H. Calhoun; secretary, G. W. Johnson; auditor, D. C. Patterson; treasurer, Frank Folda; land commissioner, E. H. Andrus; superintendent, Alexander Bear; attorney-general, Geo. E. Pritchett. The platform denounced the Republican state administrations of the thirteen years of statehood for plundering the people of the public domain to the extent of nearly all the five hundred thousand acres of improvement lands, by giving the same to railroad companies; protested against the further endowment of any private corporation, and demanded an amendment to the state constitution which "shall forever prohibit the vesting, by gift from this State, of another acre of land in a private corporation, and which shall make it forever impossible to donate county or precinct bonds, or any other evidence of public debt, to any corporation whatsoever." The Greenback party also had a ticket in the field with O. T. B. Williams as the gubernatorial candidate. All the Republican candidates were elected in November, the vote for governor being as follows: Nance, 52,237; Tipton, 28,167;

Williams, 3,898. At the same time the vote for presidential electors stood: Garfield, Republican, 54,967; Hancock, Democrat, 28,502; Weaver, Greenback, 3,856.

On January 4, 1881, the sixteenth session of the state legislature was convened, and the next day Governor Nance was inaugurated for his second term. Of the acts passed during the session, the most important was probably that regulating freight charges on railroads. The principal provision of the act was that "No company shall hereafter charge, collect, or receive for transportation of merchandise or other property upon said road a higher rate for such services than was charged by said road for like services in November, 1880; shall not allow drawback or rebate whatever. A violation of this act shall be liable to all damage sustained for such violation, and liable to a fine of five hundred dollars, to be recovered in the name of the individual injured, and no railroad company shall demand, charge, collect, or receive for such transportation for any specific distance, a greater sum than it demands, charges, collects, or receives for a greater distance."

The school system of the state was reorganized on a different basis, only the fundamental principles of the old system being retained. The legislature passed a bill providing that a block of Nebraska stone, on which was to be carved the great seal of state, should be donated to the Washington monument, and a cash appropriation of one thousand dollars should be made to the monument fund. There was established a military code providing for the organization of the active force of the Nebraska militia into four regiments of five hundred men each. An amendment to the state constitution giving women the right to vote was proposed.

Part of the business of the session was to elect a United States senator to succeed A. S. Paddock, whose term would expire on the fourth of March. Several candidates presented themselves, but the contest was finally narrowed down to Senator Paddock and Charles H. Van Wyck. The latter was elected on the seventeenth ballot, receiving 68 votes to 39 for Senator Paddock.

Charles H. Van Wyck had been a resident of Nebraska but a comparatively short time when he was elected to the United States senate. He was not without legislative experience, however, having represented a district of his native state of New York in the lower house of congress, and having served with distinction in the state legislature as the representative from Otoe county after his removal to Nebraska.

Early in March, 1882, a force of men, employed by contractor

James Stephenson in grading the new freight yards of the Burlington and Missouri River railroad at Omaha, went on strike. Stephenson, instead of acceding to their demands, sent to Plattsmouth for men to take the places of the strikers and continued the work. The railroad company furnished a special train to bring the men from Plattsmouth and return them to their homes at night. During the day, while they were at work, they were guarded by special policemen. Men were also brought from Lincoln in the same way. Efforts to persuade the men from Plattsmouth and Lincoln to quit work proving of no avail, the strikers determined upon making a demonstration of their strength. March 8 they enlisted the sympathy and co-operation of all the laboring men they could find, formed a procession about 4,000 strong, and marched to the freight yards. Arriving there they broke ranks, overpowered the policemen on duty, took possession of the grounds, and scattered the tools in all directions. Several fights occurred, and three policemen were so badly beaten that they had to be sent to the hospital. After the rush the strikers held a meeting which lasted until midnight. Speeches boasting of victories won in previous strikes, congratulating themselves upon the success of the attack that day, and defying the militia were made. At a secret meeting the next day a resolution to burn the Burlington and Missouri River freight depot, sack the general offices of the company and the *Herald* office, was passed; but in the end cooler heads acquired the mastery, and the order was rescinded. The *Herald* had given offense because the editor, Doctor Miller, had denounced the assault as an outrage and advised the arrest of the strike leaders. On Thursday, March 10, Superintendent Holdredge, of the Burlington and Missouri River road, Prosecuting Attorney C. J. Green, and several prominent citizens of Omaha went to Lincoln to consult Governor Nance about calling out the militia. The strikers, on learning that the authorities were preparing to bring troops to the scene, held another meeting, and assumed a more moderate tone. A committee was appointed to confer with the civil officers of the city, and to assure them that the troops were not necessary, as no more violence would be committed. Hopes of a peaceful settlement began to be entertained; but they were blasted the next morning, when it was ascertained that the policy of the strikers was to force a general strike. Employes of the smelting works went out, and a number of men about the distilleries and Boyd's packing house also quit work. With their forces thus augmented the strikers again grew defiant. Meantime the authorities had been moving

secretly, preparing for the worst. All day Friday the militia were massing at Lincoln, ready to co-operate with the Federal troops under General Crook to preserve order. Many of the strikers were intoxicated by Friday night, and threats were heard on every hand. That night there was little sleep in Omaha, but when the troops began to arrive on Saturday morning confidence was somewhat restored. No demonstrations were made by the strikers during Saturday, but on Sunday morning a large crowd gathered near the quarters of the militia and commenced throwing missiles at the soldiers. As a last resort the troops were ordered to use their bayonets to force the crowd back, and in the encounter two men were seriously wounded. Later in the day a man named Armstrong, while leading a crowd of rioters in an assault upon the militia, was fatally bayoneted. This act and the arrest of several of the leaders, exasperated the strikers, and another meeting at which there were speeches vilifying the state and city officials and urging the strikers to hang together, was held.

On Monday morning a large force of men was put to work under military protection, Adjutant-General Alexander announcing that the troops would be kept there three months if necessary. The determined attitude of the adjutant-general and the death of Armstrong had a salutary effect upon the strikers. The rioting ceased, and the last demonstration occurred on Wednesday, the occasion being Armstrong's funeral. Fifteen hundred men marched in the procession, though nothing of a riotous nature occurred. The coroner's jury found that Armstrong came to his death at the hands of some militiaman unknown, but who was acting in the performance of duty. A warrant was sworn out for the arrest of the soldier, by the president of the labor union, but his identity was never ascertained. The militia remained on duty at the freight yards for a week. On Monday, March 20, more men were put to work, and the Federal troops were placed in command of the situation, and the militia were withdrawn. The strike was over, but the two weeks of its duration were a period of great anxiety for the city of Omaha.

About the time the strike was settled, congress passed an act extending the remainder of the northern boundary of Nebraska west of the Missouri to the forty-third parallel of latitude. In the act it was provided that it should not become operative until accepted by the Nebraska legislature, and if not accepted within two years it was to cease and be of no effect. The passage of this act, the expenses incurred by the state in the Omaha riots, and the fact that three representatives in congress had been appor-



tioned to Nebraska under the census of 1880, made a special session of the legislature necessary. Accordingly Governor Nance issued a call for the extra session to convene on the tenth of May. In his message at the opening of the session the governor said: "By an act of Congress approved March 28, 1882, the northern boundary of the State of Nebraska was extended so as to include all that portion of Dakota lying south of the forty-third parallel of north latitude, and east of the Keya Paha river and west of the main channel of the Missouri river, subject to the provision that the afore-said act shall not take effect so far as jurisdiction is concerned until the Indian title has been extinguished and the State of Nebraska shall have assented to the provisions of said act. This subject is submitted for your consideration, in order that you may determine what action shall be taken by the State for the purpose of giving final force and effect to said act of Congress."

On May 23 an act accepting the conditions was passed, and upon the extinguishment of the Indian title the territory included in the extended boundary became part of the state of Nebraska. On the same day another act divided the state into three congressional districts, as follows: First district—the counties of Richardson, Nemaha, Pawnee, Johnson, Gage, Lancaster, Otoe, Cass, Saunders, Sarpy and Douglas. Second district—the counties of Jefferson, Saline, Seward, Butler, Polk, York, Fillmore, Thayer, Nuckolls, Clay, Hamilton, Adams, Webster, Franklin, Kearney, Phelps, Harlan, Furnas, Gosper, Frontier, Red Willow, Hitchcock, Hayes, Chase and Dundy. The Third district included all that portion of the state not embraced in the other two.

Appropriations amounting to more than ten thousand dollars, to provide for the expenses incurred in suppressing the riots at Omaha, were made, and on the twenty-fifth the session adjourned.

A convention of the ministers of the state met at Lincoln on the opening day of the extra session of the legislature, and adopted resolutions touching upon the question of temperance legislation. Among them was the following: "*Resolved*, The people hold the only power that can settle the question, and to the people the question must finally be submitted, and we therefore appeal to our legislature, and ask them to submit the question to the people of the State in the form of a constitutional amendment prohibiting the manufacture and sale of alcoholic liquors as a beverage."

Political conventions for the nomination of candidates for the various state offices, were held by all parties late in September. The Republicans opened the campaign by a convention at Lin-

coln on the twentieth, at which the following ticket was selected: For governor:, James W. Dawes; lieutenant-governor, A. W. Agee; secretary of state, E. P. Roggen; auditor, John Wallichs; treasurer, Loren Clark; attorney-general, Isaac Powers; superintendent of public instruction, W. W. Jones; land commissioner, A. G. Kendall; regent of the university, C. H. Gere. The Democratic convention met at Omaha a few days later and nominated J. Sterling Morton for governor; J. H. Warner, lieutenant-governor; C. J. Bowlby, secretary of state; Charles Leach, auditor; P. D. Sturdevant, treasurer; J. C. Crawford, attorney-general; Charles A. Speice, superintendent of public instruction; Henry Grebe, land commissioner; John H. Burks, regent. A Greenback convention met at Lincoln, and appointed a committee to wait upon the Anti-Monopoly convention which was to meet at Hastings, September 27, and if possible effect a union of forces. The result was the nomination of a joint ticket, as follows: For governor, E. P. Ingersoll; lieutenant-governor, D. P. Reynolds; secretary, Thomas Kirtley; auditor, John Beatty; treasurer, P. D. Sturdevant; attorney-general, John Barnd; superintendent of public instruction, J. J. Points; land commissioner, C. H. Madley; regent, Thomas Bell. The candidate for governor on this ticket was the president of the State Farmers' Alliance.

The Republican candidates, with the exception of treasurer, were elected, the vote for governor being as follows: Dawes, 43,495; Morton, 28,562; Ingersoll, 16,991. For treasurer Sturdevant received the combined vote of the Democratic and Alliance parties, and was elected. His majority over Clark was 4,111. For the first time in the history of Nebraska three congressmen were elected, the Republican candidates being successful in each district. The congressmen elected were A. J. Weaver, of Richardson county, from the First district; James Laird, of Adams, from the Second, and E. K. Valentine, of Cuming, from the Third.

Charles F. Manderson was born at Philadelphia, Penn., February 9, 1837. His education was acquired in the common schools and the high school of his native city. In 1856 he went to Canton, O., where he studied law and was admitted to the bar. In 1861 he enlisted in the Union army as a private, and rose from the ranks by successive promotions to brigadier-general. In 1869 he located at Omaha. He was a member of the constitutional convention of 1871, and also in 1875. He served two terms in the United States senate, and upon retiring from that body

became general solicitor for the Burlington system of railroads west of the Missouri river.

For some years prior to 1883, changes had been going on in the capitol building. The west wing was ordered built by the legislature of 1879, and was completed in 1881. The new east wing was finished in the fall of 1882, the total cost of the two wings being about one hundred seventy-five thousand dollars. February 27, 1883, the legislature passed an act authorizing the board of public lands and buildings to contract for the removal of the old capitol building, and to advertise for bids for the construction of a main building, the cost of which was not to exceed four hundred fifty thousand dollars. The act also provided for the levying of a tax of one half mill on the dollar valuation of all property, for the years 1883 and 1884, to provide a fund for the erection of the building.\*

James W. Dawes, the fifth governor of the state of Nebraska, was born at McConnelsville, O., January 8, 1845. Soon after attaining his majority, he removed to Nebraska, and in 1871 was admitted to the bar. He was a member of the state constitutional convention of 1875, and the next year was elected to the state senate. From 1876 to 1882 he was chairman of the Republican state central committee, and was for four years a member of the national committee of that party, from the state of Nebraska. In 1880 he was one of the delegates to the national Republican convention. His activity in political work led to his nomination and election as governor in 1884.

On January 2, 1883, the eighteenth legislature met in regular session. On joint ballot the Republicans had 60 votes, the Democrats 37, and the Anti-Monopolists, Greenbackers and Independents 26. While the Republicans had a plurality of the members, they did not have a clear majority over all the minority parties, and this situation complicated, to some extent, the election of a United States senator to succeed Alvin Saunders. Balloting was commenced early in the session and continued until the last day of January, when Charles F. Manderson, a Republican, was chosen. On the last ballot the vote stood as follows: Manderson, 75; J. H. Stickel, 20; James E. Boyd, 17; J. S. Morton, 14; C. H. Brown, 5; A. H. Conner, 1; D. M. Nettleton, 1.

Further provision that the new capitol building should correspond in external appearance to the two wings, and that it should be completed by the first day of December, 1889, was made.

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\* By an act of the legislature of 1885 this half mill tax was continued through the years 1885 and 1886.

An election was held in November, 1893, for a justice of the supreme court and three regents of the university. The Democrats nominated James W. Savage for justice of the supreme court, and J. M. Woolworth, E. R. Daniels and G. W. Johnston for regents. The Republicans put forward M. B. Rees for supreme judge, and Milton J. Hull, John T. Mallalieu and Jesse M. Hiatt for regents. The Anti-Monopolists indorsed the Democratic candidate for justice of the supreme court, and nominated Amos Dean, David Butler and J. F. Merritt for regents. The Republican candidates for all the places were elected.

The years 1883 and 1884 were years of prosperity to the state. Crops were generally good, additions and improvements were made to a number of the public institutions, several new counties were organized, and more than 600 miles of railroad were constructed. The cash balance in the state treasury was increased almost to the amount of the bonded debt, so that it might be said that the state did not owe a dollar that it was unable to pay.

Three tickets were placed in the field in the campaign of 1884, and the canvass was one of the most exciting in the history of the state to that time. August 27, the Republicans met in convention at Lincoln, renominated Governor Dawes, Secretary Roggen, and Superintendent Jones, completed their ticket by the selection of H. H. Shedd for lieutenant-governor; H. A. Babcock for auditor; Charles H. Willard for treasurer; William Leese for attorney-general; Joseph Scott for land commissioner, and Leavitt Burnham for regent.

The Democrats, Anti-Monopolists and Greenbackers united in the nomination of the following ticket: For governor, J. Sterling Morton; lieutenant-governor, Gustave Beneke; treasurer, Daniel W. Clarey; attorney-general, C. S. Montgomery; land commissioner, Nels O. Alberts; superintendent of public instruction, A. N. Dean; regent, D. T. Scoville.

A full ticket, with the exception of lieutenant-governor, was nominated by the Prohibitionists. J. G. Miller was the candidate for governor; the Republican nominee for lieutenant-governor was indorsed; G. H. Bigelow was named for secretary of state; D. D. Norton, for auditor; Jacob Fulton, for treasurer; S. E. Hostetter, for attorney-general; L. N. Crosby, for land commissioner; W. T. Cline, for superintendent, and B. P. Graham, for regent.

At the election in November the Republican ticket was elected, the vote for president being as follows: Blaine, Republican,



76,912; Cleveland, Democrat, 54,391; St. John, Prohibitionist, 3,075. For governor, Dawes received 72,835 votes; Morton, 57,634, and Miller 3,075. Two constitutional amendments, proposed by the legislature of 1883, were submitted to the people at this election. The first provided that members of the legislature should each receive a salary of three hundred dollars for a term of two years, and ten cents a mile for each mile traveled in going to and returning from the place of meeting; that no sessions, except special sessions, should be shorter than sixty days, and that no bills except in response to a special message of the governor, should be introduced after the fortieth day. It was adopted by a vote of 51,959 to 17,776. The second amendment, providing for a change in the time of holding general elections, from the second Tuesday in October to the Tuesday immediately following the first Monday in November, was lost, 42,223 votes being cast in the affirmative and 44,655 in the negative.

An exhibit of Nebraska's products was made at the New Orleans exposition, which opened December 1, 1884, and closed May 31, 1885. Ex-Gov. Robert W. Furnas was appointed commissioner, and ex-Gov. Albinus Nance alternate. Ample space was secured in the Government building, adjoining the state of Minnesota and Dakota territory. Part of the exhibit consisted of a representation of the Bartholdi statue of liberty, constructed out of grains, fruits and grasses from the "Country of the Platte." In the guide and catalogue issued by the directors of the exposition, the display is thus described: "Art, combined with appropriate and abundant material, makes an unparalleled display! Corn is King. Grains, seventy-five varieties of grasses, fruits, vegetables, Chili squashes—twenty-six pounds weight on one vine; eighty varieties of corn. Splendid timber exhibit. Maps complete in detail and absorbingly interesting. A wonderful exhibit."

Commissioner Furnas prepared a pamphlet for distribution at the exposition, giving an epitome of the state's resources. In this pamphlet the soil, climate, public institutions, educational system, principal industries, cities, transportation facilities, and the character of the people were all described in language free from fulsome eulogy, and the following was said of the probable future of Nebraska: "The experience of each succeeding year proves that there are no 'waste lands.' The broken lands, as they are called in some parts of Western Nebraska, are being taken by men who are engaged in stock growing, and these are offered at low prices, for sheep and cattle lands. Lands which

combine pasturage and produce grain for feeding, give a return which answers the question, 'What of the future of Nebraska?'"

The pamphlet also contained a list of the state officers, of the faculty of the state university, etc., and proved a profitable advertisement of the state's resources.

On January 6, 1885, the nineteenth legislature was convened. Among the acts passed were those creating Blaine, Logan and Dawes counties; appropriating fifteen thousand dollars to pay the expenses incurred on account of the exhibit at the New Orleans exposition; constituting the attorney-general, secretary of state, and auditor, a board of railroad commissioners; and regulating railroad corporations in their transportation of passengers and baggage by providing for a maximum rate of charges, etc. Provisions for the establishment of an asylum for the feeble-minded near Beatrice and an insane hospital at Norfolk were also made. Additional buildings at the reform school, the home for the friendless, and the state university, were authorized.

The state census of 1885 showed a population of seven hundred and forty thousand six hundred and forty-five, an increase of nearly seventy per cent since the United States census of five years before. It also showed that there were nearly three million grape vines and more than twelve million bearing fruit trees in the state. During the year 1884 Nebraska shipped more than three hundred thousand bushels of apples and upward of a hundred tons of grapes. The live stock reported was valued at eighty million dollars, and three thousand five hundred and forty-three miles of railroad were in operation.

An election for one justice of the supreme court and two regents of the university was held in November. Amasa Cobb was re-elected justice, and C. H. Gere and Leavitt Burnham were re-elected regents. All were Republicans.

The principal events of the year 1886 were connected with the political canvass. August 24, the Prohibitionists opened the campaign by holding a convention and nominating the following ticket: For governor, H. W. Hardy; lieutenant-governor, E. B. Graham; secretary of state, E. J. O'Neil; auditor, J. A. Hooper; treasurer, A. J. Leach; attorney-general, M. I. Brower; land commissioner, L. B. Palmer; superintendent of public instruction, J. A. Smith. The platform declared in favor of the repeal of the law permitting foreigners not fully naturalized to vote at state and municipal elections. It favored the enforcement of Sunday laws! woman suffrage; salaries instead of fees for all public officials, and the abolition of the appointment system. It expressed oppo-

sition to any system of licensing the liquor traffic; and to the contract system of convict labor, and condemned both the Republican and Democratic parties for the creation of a "worthless and expensive railroad commission."

On September 29 the Republican state convention was held at Lincoln. John M. Thayer was nominated for governor; H. H. Shedd for lieutenant-governor; Gilbert L. Laws for secretary of state; H. A. Babcock for auditor; Charles H. Williard for treasurer; William Leese for attorney-general; Joseph Scott for land commissioner, and George B. Lane for superintendent of public instruction. President Cleveland's administration was criticised as insincere; labor organizations were favored; arbitration of all disputes between employer and employe was advocated; sympathy for Ireland in the struggle for home rule was expressed, and the enactment of a law to prevent the monopolization of the public domain was demanded.

The Democrats nominated James E. North for governor; C. J. Bolby for lieutenant-governor; Richard Thompson for secretary of state; Thomas Ebinger for auditor; T. J. Hale for treasurer; W. L. Green for attorney-general; T. W. Smith for commissioner of public lands and buildings, and L. E. Cooley for superintendent of public instruction. The platform endorsed the national administration, and reiterated the well known party tenets. A "National" ticket was also placed in the field.

At the election in November the vote for governor was as follows: Republican, 75,956; Democratic, 52,656; Prohibitionist, 8,175; National, 1,422. The entire Republican ticket was elected. Under the provisions of the constitution, the people, at this election expressed their choice for United States senator. Nearly 90,000 votes were cast. Sen. Charles H. Van Wyck, who was a candidate for re-election, received 46,110, to 4,338 for all his opponents. A constitutional amendment, regulating the term and pay of members of the legislature, was adopted by a vote of 65,712 to 22,236. It fixed the compensation at five dollars a day and at ten cents a mile for the distance actually traveled in going to, and returning from, the place of meeting, and provided that not more than sixty days should be occupied by any one sitting of the legislature, nor more than one hundred days should be served by each member during his term.

John Milton Thayer, the sixth governor of the state of Nebraska, was born at Bellingham, Mass., January 24, 1820. After graduating from Brown University, he lived for some time in Washington City, where he began the study of law. In 1854

he removed to Omaha, Neb., and was there admitted to the bar. During the troubles with the Pawnee Indians from 1855 to 1861, he was major-general in command of the territorial forces. In 1859 he captured the Pawnees and placed them on their reservation. When the call was made for volunteers for the Civil war, he assisted in recruiting and organizing the First Nebraska volunteer infantry, and was commissioned colonel of the regiment. As a brigadier-general, he aided General Sherman in the operations against Vicksburg, and was mustered out in 1865 with the rank of brevet major-general. Upon the admission of Nebraska into the Union, he was chosen one of the first United States senators, his term expiring in 1871. From 1875 to 1879 he served as governor of Wyoming territory. While a candidate for governor in 1886, he was also the department commander of the Grand Army of the Republic. He was re-elected governor in 1888. At the expiration of his second term, he again engaged in the practice of law at Omaha.

Governor Thayer was inaugurated near the beginning of the twentieth session of the legislature, which met January 4, 1887. At this session the interest was centered upon the election of a United States senator and upon the question of railroad legislation to control rates, etc. Although Senator Van Wyck had received the popular endorsement at the polls in November, it transpired, when the legislature met, that he could not get the caucus nomination of his party. To overcome this situation, he decided to run as an independent candidate. By using the argument that he was the choice of the people, he might influence some of the Democratic members to support him, and by keeping his Republican friends out of the caucus, he hoped to prevent the election of any one else, until such time as he could force the legislature to turn to him as the last resort. In the senate there were twenty-five Republicans and eight Democrats; the house stood seventy Republicans and thirty Democrats. Van Wyck succeeded in keeping a number of the Republican members away from the caucus until two ballots for senator had been taken. On the last of these he was only seven votes short of election. Then the opponents of Van Wyck managed to get all the Republicans into a caucus at which Algernon S. Paddock was chosen. The next day a third joint ballot was taken and Paddock was elected, receiving ninety-three votes to thirty-two for John A. McShane, he Democratic candidate.

During the territorial period and the early years of statehood, the railroad companies pushed the development of their systems



into all parts, of Nebraska. With the land grants as a basis, branch roads were constructed through almost uninhabited portions of the state, the companies hoping by this means to attract immigration and dispose of their lands to settlers, at prices that would more than pay for the construction of the roads. The hope was only partially realized. There can be no question that the railroads were an important factor in peopling the state. But in many cases the immigrant preferred to enter upon the public domain and become a homesteader, rather than buy land from a railroad corporation. For some years the incomes of a number of the railroads were barely sufficient to cover operating expenses. To use a commercial aphorism: "The supply of railroads was in excess of the demand." Stockholders wanted dividends upon their investments, and to secure them the management raised the rates. For a while the people had no recourse, Patrons of the lines appealed to public sentiment; party platforms declared in favor of laws to regulate charges. As this sentiment increased, the railroad companies grew more overbearing and less inclined to listen to the demands of the public. They had money and influence, and they organized to defeat legislation that they regarded as adverse to their interests. They were successful for a time, but there finally came a reaction. In the political campaign of 1880 the question was made a prominent issue, and the legislature of 1881 passed an act establishing a "maximum rate." No reduction in existing rates was attempted, but a limit was fixed, beyond which the rates could not be legally advanced. The people demanded more control, and the legislature of 1885 created the railroad commission previously mentioned. The commission thus established had no power to reduce rates, and it soon became unpopular. Reduction was the one thing most wanted. In the campaign of 1886 the clamor was for the abolition of the railroad commission and the creation of a court with more authority. The legislature of 1887 was composed largely of farmers who were to a greater or less extent interested in the rates upon grain and live stock. In response to their demands the legislature passed an act creating the "Board of Transportation" consisting of eight members, five of whom were to be elected by the people, and repealing all inconsistent laws. One of the first acts of that board was to reduce rates about one third. The railroad companies contested, in every way possible, the enforcement of the order. In the case of the "Board vs the Fremont, Elkhorn & Missouri Valley Railroad Company," it was stated by the court that, "It is a matter of the public history of the State that for a

number of years prior to the 31st day of March, 1887, it was generally claimed that some or all of the railroads of the State had granted secret rebates to favorite shippers over their lines; that as a result of these rebates larger charges were fixed upon other shippers; that equal facilities were not furnished to all shippers, and that certain prominent competing points paid large donations to secure competing lines, and had been discriminated against by an increase in rates." The act was sustained by the supreme court in the case referred to, and after winning this case the board of transportation not only regulated local tariffs, but used its power to secure concessions in inter state rates that placed the shippers of Nebraska on a better footing in the leading markets of the West. All this added to the material prosperity of the state. Nor did the railroads suffer loss in the end. The general stimulus to the shipping business enabled them to handle the larger volume of freight at a proportionally less expense, and the stockholders received their dividends without resorting to the arbitrary methods formerly employed.

The legislature made appropriations for new buildings at the various state institutions, as follows: For the Insane Asylum, at Hastings, sixty-three thousand nine hundred dollars; Industrial Home at Milford, thirteen thousand seven hundred dollars; Soldiers' Home, at Grand Island, twenty-eight thousand dollars; Deaf and Dumb Institute, at Omaha, ten thousand dollars; Industrial School, at Kearney, twenty-nine thousand nine hundred and seventy-five dollars; Insane Hospital, at Norfolk, eighty-four thousand two hundred and ninety-two dollars; Home for the Friendless, five thousand six hundred and fifty dollars; Penitentiary, thirty-nine thousand two hundred dollars; Feeble-minded Institute, at Beatrice, eighteen thousand two hundred and eighteen dollars; Insitute for the Blind, thirty thousand seven hundred dollars; Grant Memorial Hall, at the State University, nineteen thousand one hundred dollars; Nebraska Hall, at the Agricultural College, forty-one thousand dollars.

Besides the railroad and appropriation bills, they passed acts providing for a system of compulsory education that required every child between the ages of eight and fourteen years to attend school at least twelve weeks each year; reapportioning the legislative districts on the basis of thirty-three senators and one hundred representatives, and preventing aliens from holding or acquiring lands within the state.

An election for one justice of the supreme court and two

regents of the university was held in November. The Republican candidates were successful. Samuel Maxwell was re-elected justice, and R. B. Davis and George Roberts were chosen to serve on the board of regents.

In the establishment of the soldiers' home, Nebraska adopted a plan similar to that of Kansas. The people of Grand Island donated a section of land, and with the appropriation of 1887 the main building was completed in July, 1888. It was designed for unmarried men, cottages being erected for veterans with families.

Four tickets were nominated in the campaign of 1888. The Prohibitionists and Republicans held conventions in August, and the Democrats and Union Labor party, in September. The Prohibition ticket was as follows: For governor, George E. Bigelow; lieutenant-governor, John Dale; secretary of state, John E. Hopper; auditor, John F. Holin; treasurer, James H. Stewart; attorney-general, John Barnd; land commissioner, Artemus Roberts; superintendent of public instruction, H. S. Hilton.

Governor Thayer, Secretary Laws, Attorney-General Leese, and Superintendent Smith, were all re-nominated, and the ticket was completed by the selection of George D. Meiklejohn for lieutenant-governor; T. H. Benton, for auditor; J. E. Hill, for treasurer; and J. Steen, for commissioner of public lands and buildings.

The Democrats nominated John A. McShane for governor; Frank Folda, for lieutenant-governor; Patrick A. Hines, for secretary of state; W. A. Poynter, for auditor; James M. Patterson, for treasurer; W. H. Munger, for attorney-general; P. H. Jussen, for commissioner of public lands, and Marion Thrasher for superintendent of public instruction. The Union Labor party named David Butler for governor; C. W. Potter, lieutenant-governor; I. Henthern, secretary of state; H. S. Alley, auditor; D. C. Nash, treasurer; M. F. Knox, attorney-general; W. F. Wright, land commissioner, and Mrs. M. F. Wood, superintendent of public instruction. The platform demanded the suppression of trusts; the abolition of the national banking system, and the transfer of wool, woolen goods, sugar, lumber, coal and salt to the free list. The other parties confined themselves to general statements of established principles, and endorsements of the national conventions.

For some reason Governor Thayer ran about four thousand votes behind the rest of the Republican ticket. The vote for governor was as follows: Thayer, 103,983; McShane, 85,420;

Bigelow, 9,511; Butler, 3,941. For president the Republican electors received 108,425 votes; the Democratic, 80,502; the Prohibitionist, 9,429, and the Union Labor, 4,226. Each of the three congressional districts elected a Republican representative, and the same party had a large majority in each branch of the legislature chosen at this election.

The legislature of 1889 was in session three months. It assembled on New Year's day and adjourned March 30. United States Senator Charles F. Manderson was re-elected, receiving one hundred and two votes to twenty-seven for John A. McShane and one for J. Sterling Morton. An act providing for the introduction of the Australian ballot system was passed by the house, but was lost in the senate. They enacted laws authorizing the payment of one cent a pound on all sugar produced in the state, and regulating irrigation in the semi-arid districts. The most important act of the session was probably that known as the "Anti-trust Law," which made it unlawful for "any person, partnership, company, association or corporation, to enter into any contract, agreement or combination," for the purpose of arbitrarily advancing the price or limiting the supply of any commodity in general use." The penalty for violating the supply of any of the provisions of the law was fixed at a fine of five thousand dollars, to which might be added imprisonment in the county jail for a term of six months. Four constitutional amendments were proposed. The first provided that "The manufacture, sale or keeping for sale of intoxicating liquors are forever prohibited in this state, and the legislature shall provide by law for the enforcement of this provision." The second related to the same subject, but instead of favoring prohibition, it was stipulated that, "The manufacture, sale, and keeping for sale of intoxicating liquors as a beverage shall be licensed and regulated by law." In case of the adoption of either of these two amendments, it was to constitute an additional section to the bill of rights. The third proposed a change in section two of article six, that would permit an increase in the number of justices of the supreme court, from three to five, and make the term of office five years. The fourth fixed the salaries of judges of the supreme court at three thousand five hundred dollars a year, and the salaries of district judges at three thousand dollars. For nearly twenty years the friends of prohibition had been agitating the question of an amendment to the constitution favorable to their views. Immediately following the election of members of the legislature in 1878, each newly elected member received a supply of documents bearing upon the subject of the



liquor traffic. When the legislature met, petitions, praying for the submission of an amendment, were presented every day for two weeks. At the end of that time, Rep. W. T. Scott, of York county, prepared and introduced a prohibitory amendment. It passed the house by a vote of forty to thirty-nine, which was not a constitutional majority, and, for this reason, it was not presented to the senate for consideration. The next active effort to secure the submission of such an amendment was in the legislature of 1881. In the political campaign of 1880 this question was made an issue, and after the election it was thought that the necessary three-fifths majority could be mustered in favor of submitting the question to the people. An amendment was introduced, but the session ran along until February was almost gone, and the final vote had not been reached. It looked as though an attempt was being made to smother the resolution in the committee room. At this stage of the proceedings, the friends of prohibition put forth their exertions, with the result that the final consideration of the measure was ordered for February 24. But when the house met to consider it, several members who had been counted as supporters of the amendment were absent without leave. The sergeant at arms was ordered to find the absentees and bring them into the house. This delayed the matter until late in the evening, and seven members were still absent. The final vote was taken, however, and forty-nine votes were cast for the submission of the amendment and twenty-eight against it. Again the question was lost for want of a constitutional majority, but this time by only two votes.

As a sort of compromise, and to pacify the Prohibitionists for the loss of the amendment, the legislature passed what was known as the "Slocumb Law." It provided that license fees of not less than five hundred dollars, should be required and that saloon keepers should be compelled to give bond in the sum of five thousand dollars to obey the law. An act prohibiting treating in saloons was also passed.

Thus matters stood until the legislature of 1889 voted to submit the question to the people. No sooner had the amendment passed, than the Prohibitionists began to organize for an active and vigorous campaign. June 5, a mass convention met at Lincoln to take action "for perfecting a State organization and such other organizations as may be deemed necessary, so as to thoroughly organize the State for the overthrow of the saloon and the liquor traffic in Nebraska." Four hundred delegates, representing all parts of the state, were present, and a "Non-partisan

Prohibition Amendment League" was organized. From that time until the close of the year, the leaders of the movement were busy organizing local leagues in the various counties. In some instances township leagues were organized. Interest in the question was not allowed to abate until after the election in 1890.

In the fall of 1889 the election, for a justice of the supreme court and two regents of the university, resulted in the selection of T. L. Norval to serve on the supreme bench, and C. H. Morrill and J. H. L. Knight to serve on the board of regents. At the same time Gilbert L. Laws, former secretary of state, was elected to congress from the Second district, to complete the unexpired term of James Laird, deceased. All were Republicans.

While the discussion of the prohibitory amendment was going on, another question almost as absorbing came forward to engross the minds of the people. That was a renewal of the demand for a reduction in freight charges. All through the spring of 1890 Governor Thayer was importuned to call a special session of the legislature to abolish the board of transportation and establish a maximum freight rate. He finally yielded to the solicitations of the people and issued a call for an extra session to convene on the 5th of June. His proclamation stated the purposes of the session to be: 1,—The establishment of a maximum freight rate; 2,—The abolition of the board of transportation; 3,—The enactment of an Australian ballot law; 4,—The adoption of resolutions memorializing congress for a larger volume of money, and for the free coinage of silver.

Owing to certain vacancies in the legislature, that would first have to be filled by a special election, some doubt was expressed as to the legality of an extra session, and on the last day of May the governor revoked his proclamation. The two questions, prohibition and railroad rates, became the dominant issues in the campaign, although they had been forced to the front by the two minor parties—one by the Prohibitionists and the other by the Farmers' Alliance.

On July 24, 1890, the Republican state convention met at Lincoln and nominated the following ticket: For governor, Lucius D. Richards; lieutenant-governor, Thomas J. Majors; secretary of state, John C. Allen; auditor, Thomas H. Benton; treasurer, John E. Hill; attorney-general, George H. Hastings; superintendent of public instruction, A. K. Goudy; land commissioner, A. R. Humphrey. The platform declared in favor of a revision of the election law so as to secure a secret ballot; a reduction in both

freight and passenger rates; the enactment of a law to compel railroad companies and manufacturers to use appliances for the protection of employes, and more stringent laws relating to usury. No mention was made of the prohibitory amendment.

On July 29 the Farmers' Alliance, the Patrons of Husbandry and the Knights of Labor met in convention at the capital and nominated John H. Powers for governor; W. H. Dech, lieutenant-governor; Charles N. Mayberry, secretary of state; John Batie, auditor; J. V. Wolfe, treasurer; Joseph W. Edgerton, attorney-general; A. D'Allemand, superintendent of public instruction, and W. F. Wright commissioner of public lands and buildings. The convention passed resolutions demanding the remonetization of silver and its free and unlimited coinage; an increase in the volume of money to fifty dollars per capita; government ownership of railroads and telegraphs; liberal pensions to the veterans of the Civil war; the Australian ballot; an eight hour work day, and the abolition of land monopoly by limitation or a graduated tax on large holdings.

The Democratic convention met at Omaha, August 14, and nominated James E. Boyd for governor; Alexander Bear, lieutenant-governor; Frank W. Sprague, secretary of state; R. B. Wahlquist, auditor; W. A. Cushing, treasurer; John H. Higgins, attorney-general; C. D. Rakestraw, superintendent of public instruction, and Jacob Bigler, land commissioner. The convention declared in favor of the free coinage of silver; the election of United States senators by popular vote, and high license and local option as a settlement of the liquor question. The state militia was denounced as an expensive Republican luxury, and the repeal of the militia law was demanded.

On August 29 the Prohibitionists held their state convention at Lincoln. They had purposely waited to see if any of the other parties would declare in favor of the prohibitory amendment. No favorable declaration having been made by any of the other conventions, it was decided to place a full ticket in the field. B. L. Paine was nominated for governor; George W. Woodbey, for lieutenant-governor; Charles Watts, for secretary of state; A. Fitch, for auditor; H. W. Hardy, for treasurer; F. P. Wighton, for attorney general; Mrs. Mary R. Morgan, for superintendent of public instruction, and C. Olson, for land commissioner. The declaration of principles announced the steadfast adherence of the party to the doctrines of prohibition; and proclaimed in favor of the Australian ballot system, female suffrage, and the election of

president, vice-president, and United States senators by the people.

For the first time since the admission of the state into the Union, a Democrat was elected governor. Boyd received 71,331 votes; Powers, 70,187; Richards, 68,878; Paine, 3,676. The rest of the Republican ticket was elected by pluralities ranging from three to five thousand. All four of the constitutional amendments were lost. On the prohibitory amendment, there were 111,728 votes against it to 82,292 in its favor. The license proposition was lost by a vote of 75,462 for its adoption to 91,084 against its adoption. The other two received more affirmative votes than negative votes but neither received a majority of all the votes cast at the election, and they were therefore lost for want of a constitutional majority.

During the summer of 1890, a severe drought prevailed throughout Western Nebraska. In some of the counties everything in the way of vegetation was completely scorched. With that heroic fortitude so characteristic of the American frontiersmen, the people of the stricken section at first maintained that no outside assistance would be needed. But in November the situation grew so serious that they appealed for aid. Governor Thayer sent two trustworthy men to make inquiry and ascertain what help was necessary. They reported the situation worse than they had expected. More than six thousand families would need food and fuel during the winter, and nearly ten thousand would need seed grain in the spring. The governor then called for donations to relieve the sufferers, and designated a committee to receive and distribute any money, clothing or provisions that might be sent in. The railroads offered to transport everything free of cost to the committee, or the state, and thousands of dollars worth of the necessities of life found their way into Western Nebraska by the hand of charity. The drought called the general attention to the importance of irrigation. Since then, by the application of scientific methods, lands that were once looked upon as "desert" have been brought under cultivation and crops have been rendered certain. At the beginning of the Twentieth century, the work of irrigation was still going on. A few years more will see the once arid regions brought completely under man's dominion, and the fear of droughts will become a thing of the past.

All through the autumn of 1890, the Indians of the Northwest were agitated by the reported coming of a Messiah, and through the medium of the "Ghost Dance" as a religious ceremony, they



had worked themselves into a frenzy. In November the center of the craze shifted to the Pine Ridge Indian Agency, in South Dakota, only a few miles north of the Nebraska line. The people of Sheridan county became alarmed at the threatening prospect, and called on the governor for protection. Seven companies of militia were massed at Wyoming, in Otoe county, and kept in readiness to move upon the first signs of an invasion. Troops were also concentrated at Fort Robinson, McKinney and Niobrara. Hundreds of people deserted their homes and gathered together in the towns of Harrison, Chadron, Rushville and Valentine, and at Fort Robinson. December 29, a collision between the Indians and United States troops on Wounded Knee creek, in South Dakota, resulted in the death of thirty-two soldiers and a large number of Indians. News of the affair caused widespread terror throughout Northwestern Nebraska, and the militia was immediately ordered to that section of the state, under the command of Brig.-Gen. L. W. Colby, who distributed his forces as follows: The Chadron division, under Lieut.-Col. W. W. Wolcott, was stationed at Madden's bridge over White river, and at Stryker's and Swallow's ranches; the Hay Springs division was divided between Hay Springs and Cheney's ranch, under the command of Maj. W. J. Courtright; two companies of the Rushville division under Maj. T. L. Williams, were assigned to duty at Jarcho's ranch, the rest being divided between Morey's ranch and the town of Rushville, where General Colby established headquarters; troops were also placed at Roger's mill. Besides this effective disposition of the entire First regiment of the Nebraska National Guard, the adjutant-general sent about 400 rifles to mayors and prominent citizens of the towns of Rushville, Harrison, Gordon, Valentine, Albany, Clinton, Springview and other points along the border. January 12, 1891, General Miles, commanding the United States forces in the Northwest, advised General Colby that the danger was past and gave him permission to withdraw his troops. At the same time he complimented the Nebraska militia on their promptness and discipline. General Colby communicated General Miles' order to the adjutant-general, and the next day received from that officer the following order:

"Your command will remain at the front until the lives and property of the citizens are perfectly secured. Be more vigilant than ever. Advise me daily. You will withdraw your command when everything is safe, not before."

"Victor L. Vifquain, Adj. Gen."

On the fifteenth of January General Miles succeeded in getting the Indians quieted down, and the next day the militia was disbanded. There is little question that the prompt action of the Nebraska authorities, the wisdom displayed by General Colby in the distribution of the forces under his command, and the arming of the citizens in the border towns, all combined to exert a potent influence in the settlement of the famous "Messiah War."

## CHAPTER IV

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### Administrations from Boyd to Holcomb

JAMES E. BOYD, the seventh governor of the State of Nebraska, was born in County Tyrone, Ireland, September 9, 1834. When ten years of age, he came with his parents to America. The family settled in Ohio, and from that time until he attained his majority young Boyd managed to pick up a rudimentary education, which he afterward improved by self-culture. In 1856 he located at Omaha, Neb., where he has since made his home. He was a member of the first state legislature in 1866, and was a delegate to the constitutional conventions of 1871 and 1875. He was twice elected mayor of Omaha, the first time in 1881 and the second in 1885. In 1890 he was elected governor of the state, and after retiring from the office he devoted his time to his business, that of a grain commission merchant in the city of Omaha.

As soon after the election in 1890 as the official vote was announced, the Farmers' Alliance served notice upon Governor Boyd and the successful Republican candidates, of the intention to contest the election. Charges of fraud, bribery, intimidation and conspiracy were made. Unlawful procedure at Omaha and in Lancaster, Saline, Sarpy, Hall, Platte, Dodge, Madison and a number of other counties was also charged. During the month of December, 1890, three weeks were occupied in taking testimony at Lincoln, Omaha and Norfolk, about a week being spent at each place. In addition to the charges of fraud, etc., it was undertaken to show that Boyd's father was not a naturalized citizen of the United States, and that therefore the son was not eligible to the office of governor. The constitution of the state provided that "The returns of every election for officers of the

executive department shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the speaker of the House of Representatives, who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each House of the Legislature, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected. Contested elections for all of said offices shall be determined by both Houses of the Legislature, by joint vote, in such manner as may be prescribed by law."

The legislature met January 6, 1891, and S. M. Elder, an Alliance man, was elected speaker of the house. The next day the two houses met in joint convention to open and proclaim the election returns as provided by the constitution. A resolution was offered by the Independents, to suspend the publication of the returns until after the contested election cases were disposed of, but Lieutenant-Governor Meiklejohn, who was the presiding officer of the joint session, ruled that no business could be legally transacted until the returns had been opened, and the result had been publicly announced. An effort was then made, to adjourn the joint convention. This scheme was also thwarted by the lieutenant-governor, who refused to entertain the motion. Speaker Elder then refused to open and publish the returns, in which course he was sustained by the Independent members. After some time spent in wrangling, it was agreed to take a recess until the next day. During the interim the supreme court was applied to for a writ of mandamus to compel the speaker to open the returns in accordance with the requirements of the constitution. When the joint convention re-assembled on the morning of the 8th, the writ was served on Speaker Elder, who, finding no way to evade the order of the court, opened and published the returns, declaring Boyd and the Republican candidates for the other executive offices elected. Some dissatisfaction followed the announcement of the vote; but, in anticipation of trouble, armed officers of the law were on hand to keep the peace, and every movement toward disorder or insubordination was checked in its incipency.

All the officers declared elected appeared and qualified, and all took possession of the offices except Governor Boyd. Governor Thayer refused to give up the office, on the grounds that Boyd was ineligible. The latter took other rooms in the capitol, and for the nonce Nebraska had two claimants to the office of gov-



ernor. January 9, Governor Thayer commenced quo warranto proceedings to test Boyd's eligibility and settle the title to the office. Four days later the supreme court of the state ordered a writ to issue, but at the same time recognized Boyd as the governor on the declaration made by the joint session of the legislature. Without disclaiming any right to the office, Governor Thayer relinquished it to Governor Boyd until the question of title could be determined by the courts.

Meantime the Independent members of the legislature adopted a joint resolution fixing January 20 as the day to hear the contested election cases. When the cases were called up, the contestees protested that the proceedings were illegal because the joint resolution, under which the action was being taken, had not been signed by the lieutenant-governor, as the presiding officer of the senate, nor been approved by the governor. The supreme court was appealed to, to settle the question of legality; and that tribunal held that the signature of the one and the approval of the other were necessary under the constitution; and that, if the governor withheld his approval, a vote of three fifths of both houses of the legislature would be necessary to adopt the joint resolution, the same as in cases of veto. Another effort was made by the Independents to get the matter before the legislature, but Boyd, one of the contestees, was already occupying the office of governor, and it was not likely that he would approve any joint resolution adverse to himself, while Lieutenant-Governor Majors, another contestee, refused to sign the resolution. The contest was therefore abandoned.

Arguments in the case of Thayer vs. Boyd were heard by the supreme court in March, and on May 5 a decision was rendered that Boyd was not eligible to the office of governor, because his father had never been fully naturalized, and that aliens in Nebraska territory did not become citizens by virtue of the act of congress admitting the territory into the Union as a state. Boyd promptly turned over the office to Thayer, but appealed the case to the supreme court of the United States, where it was argued in December, 1891, though a decision was not reached until February, 1892. The opinion of the Nebraska supreme court was reversed. Boyd was declared eligible, because both he and his father had for years exercised all the rights of citizens without question. It was also decided that the act of admission into the Union naturalized all aliens who at the time might have been residents of the territory. Under the rules of the United States supreme court, no order for Governor Thayer's removal

could be issued until the last day of the month. He did not wait for the order, however, but on February 8 turned the office over to Governor Boyd who was permitted to serve the remainder of the term without interruption.

An appropriation of fifty thousand dollars, for the purpose of making a state exhibit at the World's Columbian Exposition at Chicago in 1893, was made by the legislature. The act authorized the governor to appoint a board of six World's Fair commissioners.

The United States census of 1890 showed the population of Nebraska to be more than 1,000,000, and by an act of congress six members of the national house of representatives were allotted to the state. In consequence it became part of the duty of the legislature of 1891 to redistrict the state so as to make provision for the three new congressmen. The new districts were as follows:

First district—the counties of Cass, Otoe, Nemaha, Richardson, Pawnee, Johnson, and Lancaster.

Second district—the counties of Sarpy, Douglas, and Washington.

Third district—the counties of Burt, Thurston, Dakota, Dixon, Cuming, Colfax, Dodge, Stanton, Wayne, Cedar, Knox, Pierce, Madison, Platte, Nance, Boone, Antelope, and Merrick.

Fourth district—the counties of Saunders, Butler, Seward, Gage, Saline, Fillmore, Jefferson, Thayer, York, Polk and Hamilton.

Fifth district—the counties of Hall, Adams, Webster, Franklin, Kearney, Phelps, Harlan, Gosper, Red Willow, Furnas, Hitchcock, Chase, Frontier, Hayes, Perkins, Dundy, Clay, and Nuckolls.

Sixth district—the counties of Sioux, Scott's Bluff, Banner, Kimball, Dawes, Box Butte, Sheridan, Deuel, Grant, Cherry, Arthur, Hooker, Keith, McPherson, Cheyenne, Lincoln, Thomas, Logan, Garfield, Dawson, Custer, Brown, Blaine, Keya Paha, Rock, Loup, Valley, Holt, Sherman, Buffalo, Wheeler, Howard, Boyd, and Greeley.

In the convention of 1891 the Republicans nominated A. M. Post for justice of the supreme court and C. H. Marple and H. P. Shumway for regents of the university. R. W. Richardson was nominated for justice by the Prohibitionists, and William Gorst and Mrs. Caroline Woodward were nominated for the board of regents. The Farmers' Alliance candidates were as follows: For justice, Joseph W. Edgerton; for regents, A. D'Allemand

and E. A. Hadley. A Democratic ticket was nominated, but was withdrawn before the election took place. A. M. Post was elected to the supreme bench, and Marple and Hadley were chosen to serve on the board of regents.

At the beginning of the year 1892 there were thirty-four irrigating companies doing business in the state. The combined capital of these companies amounted to nearly two million dollars. About 900 miles of ditches were in operation, supplying water to an area of 852,000 acres, and 386 miles more were in process of construction. The cost of irrigating during the year 1891 was four dollars and fifty cents an acre.

On May 25 and 26, 1892, the silver anniversary of the admission of Nebraska was celebrated at Lincoln. The celebration had its inception in the following resolution, introduced at a meeting of the Lincoln real estate exchange, December 7, 1891, by H. M. Bushnell: "*Resolved*, That the president of this exchange be and is hereby authorized to appoint a committee of five from the membership, of which the president shall be one, to act with a like committee from the board of trade, the two committees to comprise a general committee whose duty it shall be to arrange for and carry out a proper celebration in the city of Lincoln, of the twenty-fifth anniversary of the admission of Nebraska into the Union."

H. M. Bushnell, John H. McClay, John J. Gillilan, E. R. Sizer and M. L. Trester were appointed on the committee. The board of trade joined in the movement by the appointment of C. A. Atkinson, J. J. Butler, H. D. Hathaway, A. K. Griffith and A. E. Hargreaves. In January, 1892, the joint committee met, fixed upon the date of celebration and outlined a program illustrative of the history and industrial progress of Nebraska during the twenty-five years of statehood. For the purpose of organizing the "Sons and Daughters of Nebraska," the ceremonies were opened on the evening of May 25, by a public meeting at the Lansing theater, and by another meeting at the hall of the house of representatives in the capitol. At the Lansing theater Mayor Wier, of Lincoln, in an appropriate address, welcomed the visitors to the city, after which speeches were made by ex-Governors Furnas and Dawes, T. M. Marquette, M. L. Hayward, of Nebraska City, and Judge Norris, of Ponca. In these speeches, the growth and development of the state were reviewed, and the occasion was enlivened by the recital of many interesting reminiscences of early days.

The meeting at the hall of the house of representatives was of

a different character. It was made up of the younger element of the population, the "Native Nebraskans," and was more given to the mirthful side of life. The decorations of the hall were somewhat unique. On the wall facing the audience was the legend, "Sons and Daughters," arranged in sunflowers, while from the central chandelier was suspended a banner bearing the picture of a grasshopper and the words "Bug Eaters." Nearly every one present wore a badge, upon which the word "Bug Eater" stood out in bold letters. In opening the meeting Professor Taylor, of the state university, said: "I suppose this is a meeting of bug eaters, for bug eaters, and by bug eaters, and that all but bug eaters have been excluded unless they have been fortunate enough to marry a bug eater." The address of welcome was delivered by Roscoe Pound, and G. M. Hitchcock, of the Omaha *World-Herald*, was the orator of the evening. E. M. Pollard, of Nehawka, made a short address, and a poem, "The Great Salt Basin," was recited by Miss Myrtle Stevenson.

On the afternoon of the twenty-sixth an industrial parade, four miles long, was witnessed by thousands of people. In the procession there were numerous floats, each typifying some event in the history of Nebraska or in the development of her resources. The most magnificent of these floats came from Kearney and represented the great cotton mill there. It was awarded the first prize, a solid silver tablet worth one hundred and fifty dollars, that had been offered by the committee. Among the other towns represented by floats were Beatrice, Nebraska City, Tecumseh, Pawnee City and Grand Island. The celebration closed on the evening of the twenty-sixth with a grand illumination and band concerts at various points in and about the city.

Early conventions for the selection of delegates to the national conventions were held by all the political parties in 1892. On August 4 the Republicans met at Lincoln and nominated the following state ticket: For governor, Lorenzo Crounse; lieutenant-governor, J. C. Tate; secretary of state, John C. Allen; auditor, Eugene Moore; treasurer, Joseph S. Bartley; attorney-general, George H. Hastings; superintendent of public instruction, A. K. Goudy; land commissioner, A. R. Humphrey. The platform declared in favor of postal telegraphs, postal savings banks and rural free delivery of mails. On the state issues the declarations of 1890 were reiterated.

On the same day of the Republican convention, the Independents met at Kearney and nominated Charles H. Van Wyck for governor; Charles D. Schrader, lieutenant-governor; James M.



Easterling, secretary of state; Logan McReynolds, auditor; Jacob V. Wolfe, treasurer; Virgil O. Strickler, attorney-general; Harmon H. Hiatt, superintendent of public instruction, and Jacob M. Gunnett, land commissioner. The platform adopted declared in favor of "equal pay for women for equal work with men;" denounced the use of Pinkerton's agents in labor difficulties; demanded a reduction in railroad rates, and asked for the submission of an amendment to the state constitution permitting the loan of the school funds to the citizens of the state, on first mortgage security, at a rate of interest not to exceed five per cent.

On August 17 the Prohibition state convention assembled at Hastings. C. E. Bently was nominated for governor; James Stephen, for lieutenant-governor; Isaac Boostrom, for secretary of state; J. C. Thomas, for auditor; Jerry Denslow, for treasurer; Martin I. Brower, for attorney-general; Mrs. Belle G. Bigelow, for superintendent of public instruction, and Charles E. Smith, for land commissioner.

The Democratic convention was not held until late in August. The delegates then met at Lincoln and nominated the following ticket: For governor, J. Sterling Morton; lieutenant-governor, Samuel N. Wolbach; secretary of state, Frank M. Crow; auditor, P. F. O'Sullivan; treasurer, Andrew Beckman; attorney-general, Matthew Gering; superintendent of public instruction, J. A. Hornberger; land commissioner, Jacob Wiggins. The convention adopted resolutions in favor of a constitutional amendment providing for a board of railroad commissioners that should be elected by the people. They declared in favor of United States senators by a direct vote of the people; and proclaimed that "prohibition is contrary to the fundamental principles of social and moral conduct."

After the nominations on the Republican ticket had been made, it was discovered that the candidate for lieutenant-governor, J. G. Tate, was not a fully naturalized citizen of the United States. His name was therefore withdrawn, and that of Thomas H. Majors was placed on the ticket in his stead.

So far as the state officers and the presidential electors were concerned, the election in November resulted in a decided victory for the Republicans. For governor, Crounse received 78,426 votes; Morton, 44,195; Van Wyck, 68,617; and Bentley, 6,235. The vote for president was as follows: Harrison, Republican, 87,213; Cleveland, Democrat, 24,943; Weaver, Populist, 82,256; Bidwell, Prohibitionist, 4,902. In the congressional contests, the Democrats elected the member from the first district; Republi-

cans were elected in the second, third and fourth, and Populists, or Alliance men, in the fifth and sixth. Two amendments to the state constitution were adopted: The first provided for a board of railroad commissioners, to be elected by the people, and the other authorized the investment of the permanent school fund in school district bonds.

Lorenzo Crounse, the eighth governor of Nebraska after its admission into the Union, was born at Sharon, Schoharie county, N. Y., January 27, 1834. As a youth he worked in his father's tannery, but attended the common schools in the winter months, and later went two terms to the conference seminary at Schoharie. For a time he engaged in teaching, and while thus employed took up the study of law. In 1856 he was admitted to the bar, and practiced in his native state until the breaking out of the Civil war, when he enlisted as captain of Battery K, First regiment, New York light artillery. He was severely wounded at Beverly Ford, on the Rappahannock, in the second battle of Bull Run, and, after remaining disabled for some time, resigned his commission and retired from the service. About the close of the war he removed to Nebraska. He was a member of the legislature that drafted the first constitution of the state, and, during the first five years of statehood was one of the associate justices of the supreme court. Upon leaving the bench he was elected to congress, serving two terms. President Hayes, in 1879, appointed him United States internal revenue collector for the district of Nebraska, which position he held until 1883, and during the last two years of President Harrison's administration he was assistant secretary of the United States treasury. At the expiration of his term as governor he gave up the practice of law and retired to his farm near Fort Calhoun, but in 1900 was elected to represent the tenth district in the state senate.

Governor Crounse was inaugurated at the beginning of the twenty-third legislative session, which met January 3 and lasted until April 8, 1893. Politically the senate, in the legislature of 1893, stood 14 Republicans, 5 Democrats, and 14 Independents, while the house of representatives was made up of 48 Republicans, 12 Democrats, and 40 Independents. A fusion of the Democratic and Independent forces, for the purpose of electing a United States senator to succeed A. S. Paddock, was effected. The Independents put forward John H. Powers, but enough of the Democratic members refused to support him to defeat his election. The result of the first joint ballot, on January 18, was

as follows: Paddock, 32; Powers, 27; Lieutenant-Governor Majors, 7; William A. McKeighan, 6; scattering, 59. Powers was then withdrawn by the Independents, and W. L. Greene was substituted, but with no better effect. Balloting continued until February 2, when the Republicans united on John M. Thurston, giving him 61 of the 62 Republican votes. On the same ballot Greene received 56 votes, J. E. Boyd 3, and 10 were recorded as scattering. Greene then gave way to Judge William V. Allen with better success. On February 6 Allen received 65 votes; Thurston, 61; Boyd, 3, and J. Sterling Morton, 2. The next day the Republicans dropped the name of Thurston and gave the party support to Senator Paddock, who received 59 votes to 70 for Allen. Allen was declared duly elected for the term beginning March 4, 1893.

William Vincent Allen was born at Midway, Madison county, O., January 28, 1847. When ten years of age, he removed with his parents to Iowa, and was educated in the Upper Iowa university. He served as a private in the Thirty-second Iowa infantry in the Civil war, and in 1869 was admitted to the bar. In 1884 he removed to Nebraska, and at the time of his election to the United States senate held the office of district judge in the ninth judicial district.

A bill known as the "Newberry bill," having for its object the reduction of railroad rates, had been passed by the legislature of 1891, but had been vetoed by Governor Boyd. The bill, with some slight changes, was re-enacted by the legislature of 1893, and provision was made, for its taking effect August 1. On July 28 the Chicago, Burlington & Quincy Railroad Company went before the Federal court and asked for a restraining order to prevent the state authorities from enforcing the law. The next day some of the stockholders of the same company, and of the Chicago and Northwestern, the Missouri Pacific and the Union Pacific, began suits for injunctions against the enforcement of the law. Argument on the cases was heard in November, the operations of the law meanwhile being suspended. The court decided the law constitutional in the abstract, but at the same time held that the legislature, in reducing rates nearly thirty per cent, had attempted to take the property of the railroad companies without just compensation, a condition expressly prohibited by both the state and Federal constitution. Hence it might be said that the decision was a victory for both the state and the railroad companies. For, while the right of the state to fix rates was conceded by the court, it was at the same time restrained from making unreasonable reductions.

Certain rumors regarding irregularities on the part of some of the executive officers, in connection with the erection of a new cell house at the penitentiary and the purchase of supplies for the insane asylum, led to the appointment of a committee, early in the session, to investigate the rumors and recommend legislative action. So much time was spent by the committee in the examination of witnesses, that it was late in March before a final report could be submitted. The evidence thus collected was turned over to another committee composed of George W. Doane, Stephen B. Pound and William L. Greene. This committee was instructed to examine the testimony and recommend a course of procedure. Doane and Greene joined in a report, in which they said: "The testimony shows a systematic and continuous plundering of the state by some of the contractors for furnishing supplies to the Hospital for the Insane, and in the accounts rendered to the board of public lands and buildings for material furnished and labor applied in the construction of the addition to the penitentiary known as the new 'cell house', and we recommend that suit be instituted at once against such fraudulent contractors as are financially responsible, to recover back the amounts which they have so fraudulently obtained from the state."

A minority report was presented by Mr. Pound, who dissented from the views of the majority, chiefly because no cross-examination of the witnesses had been conducted, and because, in his judgment, the evidence failed to show corrupt motives or a willful intention to defraud the state. The majority report was adopted by the legislature, and, a few days before the final adjournment, articles of impeachment were prepared by a committee appointed for the purpose. Secretary of State Allen, Attorney-General Hastings, Commissioner Humphrey, Ex-Treasurer Hill, Ex-Auditor Benton, and Ex-Attorney-General Leese were charged with misdemeanors. They were accused of wrongfully employing one W. H. Dorgan as the agent of the board in the construction of the cell house; of fraudulently auditing the bills contracted by Dorgan and paying the same from the revenues of the state; of committing a similar action with regard to the accounts and disbursements of the insane hospital fund, and of being guilty of gross negligence in the performance of official duties. The report of the committee was adopted, and the supreme court was called upon to sit as a court of impeachment. The trial lasted from May 1 to June 5, when Allen, Hastings and Humphrey were acquitted of misdemeanors of sufficient importance to justify their removal from office, but the court pronounced the selection of



Dorgan as being "censurable and wanting in an intelligent regard for the interests of the public." Hill, Benton and Leese were discharged, because the legislature had no authority over state officers after the expiration of the term for which they were elected.

Besides the Newberry railroad law the legislature passed important acts touching the question of irrigation and declaring legal holidays on January 1, "New Year's day;" February 22, "Washington's birthday;" April 22, "Arbor day;" May 30, "Memorial day;" July 4, "Independence day;" the first Monday in September, "Labor day;" and any day that the president of the United States might set apart by proclamation for Thanksgiving day. With a commendable degree of state pride, and a desire to see Nebraska properly represented at the World's Columbian Exposition, the legislature placed an additional appropriation of thirty-five thousand dollars at the disposal of the World's Fair commissioners. The commissioners appointed by the president of the United States, to represent the state of Nebraska, were E. Martin, A. G. Scott, William L. May and John Lauterbach. Mrs. J. S. Briggs and Mrs. E. C. Langworthy were appointed lady managers, the alternates being Mrs. M. A. B. Martin and Mrs. L. A. Bates.

In 1893 four parties nominated candidates for justice of the supreme court and regents of the university. The Prohibitionists nominated Mrs. Ada M. Bittenbender for judicial honors, and Mrs. C. H. Walker, A. E. Ricker and J. P. Heald for the regency. For justice the Populists named Silas A. Holcomb, and for regents, E. L. Heath, A. A. Monroe and C. L. Brainard. The Democratic candidates were Frank Irvine for justice, M. M. Doolittle, J. M. Pyle and Charles A. Kloman for regents. The Republican ticket, which was the one elected, was made up of Thomas O. C. Harrison for supreme justice, and H. D. Estabrook, C. D. Weston and C. W. Kaley for regents.

The spring of 1894 was notable for what was known as the "Commonweal" movement. Large numbers of unemployed men from the Western and Central portions of the United States formed themselves into bands for the purpose of marching to the national capital and asking congress to take some action for the relief of the masses, owing to the depressed condition of business throughout the country. To use the language of the commonweal leaders, it was to be "a petition with boots on." About the middle of April a detachment of the "Commonweal Army," numbering in the neighborhood of 1,000 men, under the command of "General" Kelly, arrived at Omaha. The most of them had come from the Pacific slope, and had made their way thus far eastward

by tiresome marches and by "beating" their way on the railroad trains as opportunity offered. While many were honest, well-meaning men, the movement attracted a host of worthless idlers, whose presence with the "army" brought it into derision and disrepute. At Ogallala, Neb., they captured a train, with which to pursue their journey, but it was quickly retaken by Federal troops, and about 250 of the Industrials were taken prisoners. When Kelly and his men reached Omaha, as stated, the railroad officials combined to prevent them from securing transportation farther eastward. The uncertainty of Nebraska April weather, together with the facts that a majority of the men were poorly clad, and that food among them was scarce, rendered their conditions pitiable in the extreme. The sympathies of the people were aroused. Even if the men were being misled by fanatical leaders, they were human beings and should not be allowed to starve in a land of plenty. On the afternoon of April 17 Mayor Bemis issued the following address:

"To the citizens of Omaha: I will receive subscriptions at my office for the purpose of providing supplies for the common-weal army now encamped near Council Bluffs. There are about 1,600 men of all trades and professions in the army, the large majority of whom I believe to be well deserving, and our citizens should join in keeping these men from starving at our very doors."

Subscriptions, however, came in but slowly, and the next day a meeting was called to raise funds for the relief of the army and provide transportation to Chicago. The magnitude of the undertaking was so great that it proved discouraging, and nothing was accomplished. Kelly did his best to preserve order and prevent lawlessness among his men, and though this and the hardships drove many to desert, recruits kept coming in, and the situation was hourly becoming more serious. Appeals were made to the railroad officials at Council Bluffs to furnish transportation, but, as at Omaha, they were without avail.

On April 20 Omaha was on the verge of riot. The Knights of Labor and other labor organizations, whose sympathies for the industrials were by this time thoroughly awakened, determined to act. About dusk, as a large number of Knights, who had been over to Council Bluffs to help Kelly, were returning to Omaha, they met a Union Pacific passenger train on the bridge. The engineman, Thomas Quick, in order to give them a chance to get out of the way, checked the speed of his engine. That was the very thing the Knights wanted. In an instant they swarmed upon

every coach, and the train was in their possession. By the irony of fate the engineman was made prisoner by his own son, Charles Quick, who was a leader in the Knights of Labor. The train was run to the commonweal camp and offered to Kelly, but he refused to accept it without the assent of the railroad authorities.

On Saturday, April 21, business in Omaha was practically suspended. In the morning a demonstration in the way of an immense procession was made by the Knights of Labor, which step caused the following telegram to be sent from Council Bluffs to the presidents of the various railway lines: "From the government building we are reviewing a procession of 30,000 citizens of Omaha. We understand they have come over to demand with force of numbers that something be done to provide transportation for Kelly's army. The citizens are now headed toward the Milwaukee tracks. If you were here you would realize that something should be done at once. We appeal to you to help relieve this community from the impending danger that threatens and relieve the suffering of those men which has aroused these communities."

The telegram was signed by judges of the supreme and district courts of Iowa, the clerk of the United States court, and the postmaster at Council Bluffs, but the railroad presidents made no move toward granting the request it contained.

Everybody seemed to dread the coming of Sunday. Then the factories, packing houses, etc., would be closed, the crowds would be swelled, and who could foresee the consequences? In the anticipation of trouble, the authorities prepared for the worst. Several companies of the Nebraska national guard were assembled at their armories; the Federal troops at Fort Omaha were held under marching orders; the United States marshal swore in a large force of special deputies, and the entire police force of the city was summoned to be ready for duty in case of emergency. On Sunday morning about 1,000 Knights started for the railroad offices with the intention of compelling the companies to furnish trains for the conveyance of the industrials. For some reason they abandoned the undertaking just then, but all over the city could be heard the ominous words, "Wait till to-night." But before night Kelly and his army were on the move, marching across the state of Iowa, and the threatened riot was averted.\*

Another disturbance, that called the militia into active service, occurred at Omaha in August. Early in July a strike in some of

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\* For an account of the action of the Iowa state authorities in connection with the commonweal movement, see the history of that state.

the packing houses was threatened, but the month was spent in organizing and making preparations. August 3 about 1,500 men, employed at four houses, went out. They were soon joined by others, and by a large number of outside sympathizers, and the packing houses were surrounded to prevent other men from taking the places of the strikers. Some of the pickets had permits to bear arms, and this had a tendency to aggravate the conditions. On the second day of the strike, a number of assaults were committed, and some property was destroyed. Immediately after this, the mayor of South Omaha called upon the sheriff of Douglas county for assistance to prevent a recurrence of the riots. The sheriff appointed 150 special deputies and sent them to the aid of the local police; but, when an effort was made by the mob, at Sheely, to sidetrack a train of refrigerator cars laden with meat for the Eastern markets it was found that the police and the force of deputy sheriffs were entirely inadequate to meet the demands of the situation. A call was then made upon the governor for the militia, and, on August 9, five companies of the First regiment and Company G of the Second regiment were rushed to South Omaha by special trains, and placed under command of Gen. L. W. Colby. Orders were telegraphed that same evening by General Colby to the commanding officers of the First and Second regiments, Troop A, Nebraska cavalry, and Battery A, light artillery, to have their commands ready to report at South Omaha, by the regular trains, August 10, if it should be found necessary. Governor Crounse issued an order closing the saloons, and for the time the city was almost subject to martial law. More troops came in on the tenth, and, while some were detailed to protect workmen to and from their homes, others were used to disperse any crowds that might be found assembling. The presence of the militia had a salutary effect upon the rioters, and, after five days, normal conditions were so far restored that the troops were withdrawn.

On August 22 the Republican state convention met at Omaha, and nominated the following ticket: For governor, Thomas H. Majors; lieutenant-governor, R. E. Moore; secretary of state, J. A. Piper; auditor, Eugene Moore; treasurer, Joseph S. Bartley; attorney-general, A. S. Churchill; superintendent of public instruction, H. R. Corbett; commissioner of public lands and buildings, H. C. Russell. The resolutions declared in favor of a protective tariff; reciprocity with Mexico, Central America and the South American republics; the coinage of both gold and silver, at a parity, and arbitration in labor disputes.



Two days later the Populists held their convention at Grand Island. Silas A. Holcomb was nominated for governor; J. N. McGaffin, for lieutenant-governor; James N. McFadden, for secretary of state; John W. Wilson, for auditor; John H. Powers, for treasurer; Daniel B. Carey, for attorney-general; W. A. Jones, for superintendent of public instruction; and S. J. Kent, for commissioner of public lands and buildings. The Omaha platform was re-affirmed; the Sherman silver law was branded as treason; demands for the free and unlimited coinage of silver at a ratio of sixteen to one were made; the public ownership of all public utilities was asked, and compulsory arbitration in all differences between employer and employe was advocated.

In the campaign of 1894, the Democratic party became divided. One wing favored bimetallism and the free coinage of silver, and the other, known as "administration" Democrats, stood by the financial policy of President Cleveland. On the last day of July, the "free silver" wing held a mass convention at Omaha, and issued an address to the people of Nebraska, urging them to stand by the double standard and to use all honorable means to select delegates favorable to that policy for the state convention which was called to meet on September 26. When the convention assembled, it was soon discovered that the free coinage element had a majority of the delegates. Then another question came up to divide still further the warring factions. That was the question of forming a coalition with the Populist party, by giving endorsement to some of the nominees of the Grand Island convention. The fusion sentiment finally controlled the convention. The Populist candidates for governor, lieutenant-governor, attorney-general, superintendent of public instruction, and commissioner of public lands and buildings were endorsed, and the ticket was completed by the selection of J. F. Ellick for secretary of state, J. C. Dahlman for auditor, and G. A. Luikhart for treasurer. Two sets of resolutions were presented to the convention by the committee on platform. The majority report, which was the one adopted, denounced the society known as the "A. P. A.," and declared in favor of an income tax; of a constitutional amendment to make the president of the United States ineligible for a second term, and of the free coinage of silver at the ratio of sixteen to one. The convention also endorsed W. J. Bryan as the choice of the Nebraska Democracy for United States senator.

As soon as a majority of the delegates voted to endorse a portion of the Populist ticket, the "administration men" withdrew from the convention. Later, they nominated a ticket of their

own, as follows: For governor, P. D. Sturdevant; lieutenant-governor, R. A. Dunphy; secretary of state, W. P. Rolfe; auditor, Otto Bauman; treasurer, Luke Breidenthal; attorney-general, John H. Ames; superintendent of public instruction, Milton Doolittle; land commissioner, Jacob Bigler. The presence of two Democratic tickets in the field brought on a controversy as to which one should have a place on the official ballot. The question was submitted to the courts and was decided in favor of the fusion ticket.

All the Republican candidates except governor were elected. For governor Holcomb received 97,815 votes and Majors 94,613. The Republicans also elected five of the six congressmen, and a majority of both branches of the legislature.

Although there were nearly 2,000 miles of irrigating ditches in use at the close of the year 1894, there were still large districts of the state that were compelled to rely upon the forces of nature for a supply of moisture. In these unirrigated sections, the droughts of 1893 and 1894 caused wide spread suffering. More than 4,000 families were rendered almost entirely destitute of the necessities of life, and were compelled to call upon the charitable people of the country for sustenance until another crop could be grown. The relief committee of 1891 was reorganized, and contributions for the unfortunate victims of the drought came in from all over the country. Indiana, Illinois and Ohio sent several carloads of corn and other provisions. From the Atlantic coast came a carload of corn and rice. Altogether, 150 carloads of coal and provisions were received by the committee, and distributed among the sufferers. Many of the needy were put to work on public improvements, by the state authorities, as a means of assisting them to tide over the famine. In August, 1895, the relief committee made a final report, showing the amount of the contributions to be nearly eighty thousand dollars. It was stated in the report that west of a line drawn from Furnas county northeast to Knox county, the loss by the drought amounted to one hundred million dollars. Of a corn crop that would have reached fully 200,000,000 bushels, only about 13,000,000 bushels were harvested, and this was of a very inferior quality.

Late in the year, Barrett Scott, the treasurer of Holt county was accused of embezzlement and dishonesty in the conduct of his office. An investigation revealed the fact that he was about thirty-two thousand dollars short in his accounts. Scott started for Mexico, but was pursued and brought back. Suit for the amount of his shortage was instituted against his bondsmen, but

it was dismissed on a technicality. Late in the evening, on the last day of the year, while Scott was riding in a carriage, accompanied by his wife and daughter, and a young lady, the carriage was stopped by a company of masked men, a rope was placed around his neck and he was led away by the mob. That was the last seen of him until January 19, 1895, when his body was found floating in the Niobrara river. The rope was still about his throat, and this gave rise to the supposition that he had first been hanged and his body then been cast into the stream. The women in the carriage at the time Scott was taken by the lynchers all claimed to have identified some of the party. The men thus charged were arrested and taken to Boyd county for trial. All proved an alibi, and the lynchers were never discovered.

The twenty-fourth session of the legislature assembled at Lincoln on the first day of January, 1895. As soon as the two houses were organized, they met in joint convention, to open and publish the returns of the last general election, as required by the constitution. When the result of the election of 1894 was announced by the speaker of the house, Governor Holcomb presented himself, took the oath of office, and delivered his inaugural address.

Silas Alexander Holcomb, the ninth governor of the State of Nebraska, was born in Gibson county, Ind., August 25, 1858. His education was acquired in the common schools and the normal school of his native state. When he was about twenty years of age, he went to Nebraska, and, soon after becoming a resident of the state, he began the study of law in the office of Thumel and Platt, at Grand Island. In 1882 he was admitted to the bar, and, in April of the same year, was married to Miss Alice Brinson, of Mills county, Ia. As a citizen, he took an active interest in political affairs and soon became recognized as a leader in the councils of the Populist party. In 1891 he was elected judge of the twelfth judicial district, and in 1893 he was nominated for associate justice of the supreme court, but was defeated in the election by Thomas O. C. Harrison. His election as a governor in 1894 was brought about by the fusion of the Populist and Democratic parties and by the same influences he was re-elected in 1896. At the close of his second term he was elected a member of the supreme court.

Owing to the recent bank failures, there was a considerable demand for more stringent banking laws. The legislature of 1895 passed an act increasing the bank examiner's bond from ten thousand dollars to twenty-five thousand dollars, and requiring two directors of the bank to be present when it should be exam-

ined. Every bank in the state was ordered to carry on hand fifteen per cent of the deposits; to hold one-tenth of the net earnings until a surplus of twenty per cent should be accumulated; to make four reports a year, and to declare no dividend where doubtful commercial securities were carried as assets. Joint resolutions adopting the name of "Tree Planters' State" as the popular name of Nebraska, and the golden rod as the state flower were passed at this session. John M. Thurston was elected United States senator, to succeed Charles F. Manderson, for the term beginning on March 4, 1895.

John Mellen Thurston was born at Montpelier, Vt., August 21, 1847. By manual labor he paid his way through Wayland University, at Beaver Dam, Wis., and in 1869 he was admitted to the bar. In the autumn of that year, he located at Omaha, and, during the next ten years, served in the city council, the state legislature, and as city attorney. He was a delegate to the Republican national conventions of 1888 and 1896. From 1888 to 189- he was the general counsel for the Union Pacific railroad. His term as senator expired in 1901.

Five parties placed candidates in the field in 1895, for justice of the supreme court and regents of the university. The free silver wing of the Democratic party nominated Charles J. Phelps for justice, and A. T. Blackburn and Robert Kittle for regents. The gold standard Democrats named T. J. Mahoney for justice and W. H. Ashley and John H. Ames for regents. The Republicans re-nominated T. L. Norval for justice and C. H. Morrill and H. L. Gould for regents. The Populists presented the names of Samuel Maxwell for justice, and those of Ella W. Peattie and James H. Bayston for regents. A. G. Wolfenbarger was the Prohibition candidate for supreme judge; J. J. Bryant and Anna R. Woodbey being nominated for the regency. Norval, Morrill and Gould were elected.

As the time for the opening of the political campaign of 1896 approached, interest in the money question became almost universal. Individual opinion influenced many to desert old party standards, to break old political affiliations, and to seek a political home in some other organization. Every cross roads village became a constant debating society. "Sound money" was the slogan of the gold standard forces, and "Sixteen to one," the battle cry of the advocates of free coinage.

On April 7 the Republicans held a convention at Omaha to select delegates to the national convention. The delegates were instructed to vote for William McKinley for president. They



adopted a resolution endorsing in advance the national platform, "believing that it will declare against the free and unlimited coinage of silver, and for a currency of gold, silver and paper, as sound as the Government and as untarnished as its honor, and for that American system of protection of which William McKinley is the greatest living exponent, and under which our people attained the greatest national and industrial prosperity."

A second convention of the same party was held at Lincoln on the first day of July, and the following state ticket was nominated: For Governor, J. H. Maccoll; lieutenant-governor, Orlando Tefft; secretary of state, J. A. Piper; auditor, P. O. Hedlund; treasurer, C. E. Casey; attorney-general, A. S. Churchill; superintendent of public instruction, H. R. Corbett; land commissioner, H. C. Russell; regent of the university, W. G. Whitmore. Robert Ryan and M. P. Kinkaid were nominated for justices of the supreme court, their taking office to depend upon the adoption of the constitutional amendment increasing the number of members of the supreme bench.

On April 22 the free silver Democrats met at Lincoln and selected delegates to the national convention at Chicago. They passed resolutions declaring in favor of the free and unlimited coinage of silver, at a ratio of sixteen to one, "independent of any other nation;" a tariff for revenue; an income tax, and the election of United States senators by direct vote. Some member offered a resolution instructing the delegates to vote for W. J. Bryan, for the presidential nominee, but as Mr. Bryan was one of the delegates the resolution was withdrawn at his request. A week later the gold standard Democrats met in convention at Lincoln, and selected delegates to the national convention. They adopted a resolution calling the silver men "a small faction," and denying their claims to represent the Nebraska Democracy at Chicago.

The silver wing again united with the Populist party in the nomination of a fusion ticket. The Populists met at Hastings, August 5, and nominated Governor Holcomb for re-election; J. E. Harris for lieutenant-governor; W. F. Porter for secretary of state; J. F. Cornell for auditor; J. B. Meserve for treasurer; C. J. Smyth for attorney-general; W. R. Jackson for superintendent of public instruction; J. V. Wolfe for commissioner of public lands and buildings; J. S. Kirkpatrick and William Neville for judges of the supreme court, and A. A. Munro for regent of the university. No nomination for attorney-general was made, the place being left to be supplied by a Democrat. A convention of

silver Democrats, at Omaha, on September 4, nominated C. J. Smythe for attorney-general and T. J. Rawlings for regent. The Populists then withdrew the name of A. A. Munro and placed that of Rawlings on the ticket.

On September 28 the branch of the Populist party, that opposed fusion with the Democrats, better known as the "Middle-of-the-road" Populists, held a meeting at Lincoln. Fusion was denounced, and Bryan and Watson were endorsed, though no nominations for state officers were made. On the first day of October, the gold standard Democrats held a convention at Omaha. Palmer and Buckner were endorsed for president and vice-president, and the following state ticket was nominated: For governor, R. S. Bibb; lieutenant-governor, O. F. Biglin; secretary, James Mattes; auditor, Emil Hallen; treasurer, Frank McGibbons; attorney-general, R. S. Patrick; superintendent of public instruction, G. G. Glover; supreme judges, Frank Irvine and W. H. Platte; regent of the university, J. S. Leas. The name of "National Democratic party" was adopted.

Immediately after the convention, the fusion Democrats asked the supreme court to restrain the secretary of state from certifying the National Democratic nominees to the several county clerks for a place upon the ballot. The court refused to grant the petition, and the gold standard ticket went on the ballot under the title they had selected, the silver wing appearing under the designation of "Democratic and People's Independent ticket."

Within the Republican party, there was a respectable number who believed in the free coinage theory, and who refused to support the platform adopted and candidates nominated by the St. Louis convention. A mass convention was called by these free silver Republicans, to meet at Omaha on October 6. When it met the gold men captured the convention and passed resolutions pledging support to the regular Republican ticket. Another effort on the part of the silver Republicans was more successful, and the following state ticket was nominated: For governor, Robert Armstrong; lieutenant-governor, C. A. Peters; secretary of state, S. T. Percy; auditor, J. R. Harris; treasurer, S. A. Bryant; attorney-general, J. M. Lead; superintendent of public instruction, J. L. McNinn; land commissioner, James D. Pattison. Owing to the late date at which the nominations were made, the ticket was not filed and did not appear on the official ballot. Most of the silver Republicans supported the fusion candidates.

Other tickets in the field were those of the Prohibitionist, the

National and the Social Labor parties. The gubernatorial candidate of the Prohibitionists was Joel Warner; of the National party, Richard A. Hawley, and of the Social Labor party, Charles Sadilek. The entire fusion ticket was elected in November. The vote for presidential electors was as follows: Democratic, or Fusion, 115,624; Republican, 102,564; National Democratic, 2,797; Prohibitionist, 1,196; National, 738, and Social Labor, 172. Holcomb received 116,415 votes for governor; McColl, 94,723; Bibb, 3,557; Hawley, 930; Warner, 1,560, and Sadilek, 578.

Twelve constitutional amendments were submitted to the voters at this election, and, while each received more affirmative than negative votes, none was ratified, because none received a majority of all the votes cast at the election. One of the amendments provided for an increase in the number of supreme judges from three to five, and nearly all the political parties had nominated candidates for the additional judgeships, dependent upon the adoption of the amendment. After the election, Governor Holcomb issued certificates of election to J. S. Kirkpatrick and William Neville, the Fusion candidates, who had received a plurality of the votes, adding to the usual form the words, "contingent upon the adoption of the constitutional amendment increasing the number of supreme judges." The secretary of state refused to countersign the certificates, and, later, the canvassing board declared all the amendments lost for want of a constitutional majority.

An echo of the agitation of the silver question was heard in the decision of one of the Nebraska district courts late in the year 1896. The city of Lincoln was about to issue bonds payable in gold, when the court was asked to grant an injunction against such a proceeding. In the decision the court held that contracts payable in gold were unlawful, because the power to create money, fix its values, and define its powers belonged solely to congress; that congress, in the exercise of its prerogative, had given full legal tender power to gold, silver, United States treasury notes, and silver certificates, and that no state or municipality had the right to enter into any contract that would deprive any of these forms of money of the powers conferred by congress.

## CHAPTER V

## From Holcomb to Mickey

G OVERNOR HOLCOMB'S second administration began with the assembling of the twenty-fifth legislature, which met at Lincoln, January 5, 1897, and organized by the election of Frank T. Ransom, president pro tem. of the senate, and J. N. Gaffin speaker of the house. In his message the governor dealt exhaustively with the subject of the shortage in the state treasurer's office, growing out of the failure of the Capital National Bank, of Lincoln, in 1893. The bank had been designated by law as a depository for state funds, and, when John E. Hill turned over the office to Joseph S. Bartley, part of the revenues of the state consisted of certificates of deposit, to the amount of about two hundred eighty-five thousand dollars, in the defunct bank. Suit to recover the amount was brought against Hill and his bondsmen. In the first trial the jury disagreed. A second trial resulted in a verdict for Hill and his bondsmen, and an application for a new trial was overruled by the supreme court. Governor Holcomb showed that Treasurer Bartley was more than five hundred thousand dollars short in his accounts. Referring to the certificates of deposit on the Capital National Bank, turned over by Hill, he said: "That this amount of the state's money was in existence at the time of settlement of Treasurer Bartley with his predecessor, Hill, no person acquainted with the circumstances could believe for a moment. The money had evidently been lost and no attempt made to account for it at the expiration of Mr. Hill's term of office, except by a transfer of credits on paper in this bank, a bond being prepared and approved making the bank a state depository and this mythical credit being placed to the credit of the state under the depository bond."



In a special message to the legislature, on February 17, the governor fixed the amount of funds unaccounted for by Treasurer Bartley at four hundred eighty-nine thousand six hundred and eighty-seven dollars, and gave the following comment upon the situation: "In his biennial statement the State Treasurer reports a loss of two hundred seventy-one thousand five hundred and twenty-two dollars and eight cents in banks designated as state depositories, which have closed their doors and quit doing business. On this sum two hundred thirty-six thousand three hundred and eighty-one dollars and eighty-three cents was to the credit of the state in the Capital National Bank of Lincoln at the time of its failure, January 21, 1893.\* To speak of this money as being lost under the operation of the depository law is, in my judgment, a perversion of history as well as of fact. It may, however, be said in this connection that dividends to the amount of fifteen per cent have been declared by the receiver of this bank. What further sum, if any, may be realized from the assets of this institution I am unable to speak of intelligently. Suit has been brought and is now pending, to recover the amount due the state on the dividend just declared. Just why this sum should be withheld from the state is not perfectly clear. It has been suggested, however, that the receiver denies that any such sum, as claimed by the ex-State Treasurer, was ever deposited in the bank. It thus appears that in the state courts the defense by the ex-Treasurer and his bondsmen was that the money had been deposited in the bank under the depository law, thereby relieving them, while the defense of the bank in the federal court against paying the dividends is that the money was never in fact deposited in the bank, and that, therefore, the state is not entitled to share in the dividends."

Both civil and criminal suits to recover the shortage were instituted against Treasurer Bartley. The result of the criminal case was that he was sentenced to serve a term of twenty years of hard labor in the penitentiary, and to pay a fine of three hundred three thousand seven hundred and sixty-eight dollars and ninety cents, twice the amount of the defalcation in the count upon which he was convicted. In the civil case the district court held that the bondsmen of Bartley were not liable for any of the shortage, because the money had been deposited in banks designated as state depositories. The supreme court, however, reversed the decision, it appearing that Bartley took about two hundred thousand dollars from one of the depository banks, and this

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\*See note on bottom of page 305.

affected the whole deficit, thus rendering his bondsmen liable for all. A committee empowered to investigate was appointed by the legislature and in October it reported a total shortage of over eight hundred seventy thousand dollars. Part of this amount was afterward recovered.\*

Another case of malfeasance in office, that came to light about this time, was that of Eugene Moore, who was elected auditor of state in 1892 and re-elected two years later. Soon after being inducted into office, it seems that he started in to convert the fees received from insurance companies to his private use. When an investigation was commenced, he acknowledged a shortage of nearly twenty-five thousand dollars. Suit for embezzlement was brought against him, and on the last day of November he received a sentence of eight years in state's prison and a fine of forty-six thousand eight hundred and sixteen dollars, twice the amount of the fees appropriated.

The legislature of 1897 passed laws granting a new charter to the city of Omaha; increasing the powers of the board of transportation; authorizing the application of the principles of the initiative and referendum to towns and cities under certain conditions; declaring corporations guilty of a misdemeanor in contributing to the campaign fund of any political party, and making an appropriation of one hundred thousand dollars to the Trans-Mississippi exposition at Omaha.

In the election for justice of the supreme court and regents of the university in 1897, there were five parties represented in the nominations. The Prohibitionists named D. M. Strong for justice and Mrs. Isabella Sperlock for regent, only one candidate for regent being nominated, although there were two to be elected. The National Liberty party, the silver wing of the Prohibitionists, nominated Mrs. Zara A. Wilson for justice and Rufus C. Bentley for regent. A. M. Post was renominated for justice by the Republicans, the candidates for regents being G. W. Kaley and John N. Dryden. The gold standard Democrats first selected J. M. Woolworth as their candidate for justice, but he declined to make the race, and Warren Switzler was nominated. J. Sterling Morton and Dr. J. S. Leas were the National Democratic candidates for regents. A fusion was effected by the Democrats, Populists and Free Silver Republicans, in the nomination of the fol-

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\* In May, following the failure of the bank, the president, C. W. Mosher, was tried in the Federal court at Omaha for official misconduct, and sentenced to prison. The bank examiner found that the institution had been insolvent for a number of years, though dividends had been regularly declared every six months.

lowing ticket: For justice, John J. Sullivan, a Democrat; for regents, George F. Kenower, a silver Republican, and E. Von Forell, a Populist. This ticket was successful at the election.

All through the early months of the year 1898, a war cloud hovered over the country. The liberty loving people of the United States sympathized with the Cubans in their struggle to free themselves from the Spanish yoke. Nebraska was no exception to the rule. Party platforms and public meetings had expressed that sympathy on various occasions, and every patriotic citizen felt that this country ought to interpose. The destruction of the Maine hastened a crisis, though it was not until April 25 that the governor of Nebraska received the following telegram:

"To the Governor of Nebraska, Lincoln, Nebraska:

"The number of troops from your state under the call of the President, dated April 23, 1898, will be two regiments of infantry. It is the wish of the President that the regiments of the National Guard, or State militia, shall be used as far as their number will permit, for the reason that they are armed, equipped and drilled. Please wire as early as possible what equipments, ammunition, arms, blankets, tents, etc., you have, and what additional you require. Please also state when troops will be ready for muster into United States service."

"Russel A. Alger, Secretary of War."

On the same day that this telegram was received, Adj. Gen. P. H. Barry issued General Order No. 10, part of which was as follows: "In obedience to the call of the president of the United States, the National Guard of the State of Nebraska will, upon receipt of this order, rendezvous at Lincoln, Nebraska."

On April 26 the old state fair grounds were secured for a military encampment and named Camp Alvin Saunders, in honor of the governor of Nebraska territory during the Civil war. Gen. Charles J. Bills of the Nebraska militia was placed in charge of the camp, and, within forty-eight hours after the order was issued, all the companies of the First and Second regiments were on hand, every man eager to participate in the war with Spain. On May 1 the adjutant general issued an order for the two regiments to break camp at Lincoln and move to old Fort Omaha, for the purpose of being mustered into the volunteer service of the United States; but the next day the order was revoked, because of a delay in receiving the muster rolls from the war department. On May 9-10, the troops were mustered in at Lincoln, by Lieut. John M. Stotsenberg, of the Sixth United States

cavalry. The officers of the First regiment were John P. Bratt, colonel; George R. Colton, lieutenant-colonel; John M. Stotsenberg and Harry B. Mulford, majors; Lee Forby, adjutant; Lincoln Wilson, quartermaster; F. A. Snyder, surgeon, and James Mailley, chaplain. The Second regiment was officered as follows: Colonel, Charles J. Bills; lieutenant-colonel, Emil Olsen; majors, William S. Mapes and Ernest H. Tracy; adjutant, Williard S. Harding; quartermaster, Frank H. Myers; surgeon, Maurice A. Hoover; first assistant surgeon, M. A. Rebert; second assistant surgeon, J. G. Marron; chaplain, Joseph G. Tate.\*

After the men had been mustered in, Governor Holcomb addressed them, and in closing said: "As you go from among us you will carry with you the heartfelt wishes and prayers of all citizens for your success wherever duty may call you, and for your safe and early return to your homes, bearing with you the esteem and homage of a grateful people, and reflecting by your valor and patriotism, as I know you will, credit on yourselves and our beloved state and the flag of our Union, which has been unfurled in so many battles in the cause of human liberty and the advancement of civilization."

On May 16 the First regiment left Lincoln for San Francisco, where it went into camp until June 14. At one o'clock in the afternoon of that day, it broke camp and embarked on the steamer "Senator" for the Philippines. Along the line of march from the camp to the wharf, the men were given one continuous ovation. Salutes were fired, whistles were blown, and on every hand the Nebraska boys were greeted with cheers. The "Senator" was a fine vessel, built for the Pacific coast trade, and was a fast sailer. On Sunday, July 17, she dropped anchor opposite Fort Cavite in the Bay of Manilla. The regiment was attacked about half past nine o'clock on the evening of August 2, and William P. Lewis was killed and seven of the men were wounded. A few days later, at the battle of Manilla, the First Nebraska was the first regiment to enter the city.

On July 1, 1899, the regiment went on board the transport "Hancock," for the homeward voyage via Nagasaki, Japan. Numbers of sick and wounded belonging to it had already been sent home and were in the hospital at San Francisco. Adjutant-General Barry went there to look after the needs of the men, and, about the time the Hancock was due, he was joined by Governor Poynter and Col. W. L. Stark, the member of congress from the

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\* In all the Nebraska regiments the surgeon held the rank of major; the first assistant surgeon and the chaplain, the rank of captain; and the quartermaster, adjutant and second assistant surgeon, the rank of first lieutenant.



Fourth Nebraska district. Late in the evening of July 30, the Hancock entered the harbor. The governor, adjutant-general and Colonel Stark took a tug and went out to the transport, where they were given hearty greeting. The next day the troops landed, went into camp at the Presidio until August 23, when they were discharged, and a week later reached Lincoln after thirteen months active experience.

On May 19, 1898, the Second regiment left for Chickamauga. It was divided into three sections, each taking a different route. The first battalion under command of Lieutenant-Colonel Olsen left at six o'clock in the evening. Half an hour later the second battalion left in charge of Major Mapes, and directly after its departure the third special train pulled out bearing the third battalion under Major Tracy. The regiment was reunited at Camp Thomas, May 22, and there it remained until it was mustered out.

Under the second call for troops the quota of Nebraska was fixed at 1,268 men. May 20 Adjutant General Barry appointed recruiting officers and established stations at various points in the state, to raise companies for the Third Nebraska volunteer infantry. Altogether 1,948 men presented themselves. Of these 529 were rejected, and 92 failed to appear for muster, leaving 1,327 that were mustered in, July 13, with the following regimental officers: Colonel, William J. Bryan; lieutenant-colonel, Victor Vifquain; majors, John H. McClay and Conrad F. Sherman; adjutant, Charles F. Beck; quartermaster, William F. Schwind; surgeon, Ole Grothan; first assistant surgeon, Ralph J. Irwin; second assistant surgeon, Albert P. Fitzsimmons; chaplain, Edward F. Jordon. The next day the regiment was ordered to report to Maj. Gen. Fitzhugh Lee, at Jacksonville, Florida. It left in three sections, which were united at DuQuoin, Ill. At Nashville, Tenn., the special train was halted long enough to allow the men to partake of a magnificent dinner that had been provided by the people of the city. Upon arriving at Jacksonville the regiment went into camp at Panama park, about six miles north of the city, where it remained until ordered to Cuba in December. Colonel Bryan resigned, December 12, and Lieutenant-Colonel Vifquain was promoted to the command.

The regiment was on duty in Cuba until April, 1899, when it was ordered back to the United States, and on May 11 was mustered out at Augusta, Ga.

The unequal strength of the opposing forces, the ease with which the United States won the war with Spain, gave several of the volunteer regiments no opportunity to show what they could do. But those who were fortunate enough to be permitted to

participate in the actual hostilities demonstrated anew that the citizen soldiery of a republic like the United States is the equal, if not the superior, of an imperial standing army. And those who lingered in camp, waiting vainly for a call to duty, chafing under the restraint of idleness and the routine of camp life, would have assured an equally good account. It was their misfortune, not their fault, that they were not allowed to join in adding fresh laurels to American arms.

On August 2, 1898, the Democrats, Populists and Free Silver Republicans met in Lincoln for the purpose of uniting in the selection of candidates for the various state offices. Each party met separately and adopted a platform, though all declared in favor of the free and unlimited coinage of silver at a ratio of sixteen to one. The Democrats denounced interest bearing bonds, banks of issue, and the Dingley tariff bill; favored an income tax; greeted the soldiers of the United States, and pledged support to the president in the prosecution of the Spanish-American war. The Populists denounced the usurpation of the Federal courts in injunction cases, and the Republican congress for not taxing monopolists to raise war revenues, and favored better pay for private soldiers, the abolition of free railroad passes to public officials, and "more money and less misery for the people." The Free Silver Republicans contented themselves with the declarations on the money question. William A. Poynter was nominated for governor; E. A. Gilbert, for lieutenant-governor; William F. Porter, for secretary of state; J. F. Cornell, for auditor; John B. Meserve, for treasurer; C. J. Smythe, for attorney-general; William R. Jackson, for superintendent of public instruction, and Jacob V. Wolfe, for land commissioner. The candidate for lieutenant-governor was a free silver Republican, the candidate for attorney-general was a Democrat, and all the others were Populists.

The Republican state convention was held at Lincoln on August 10. M. L. Hayward was nominated for governor; George A. Murphy, for lieutenant-governor; Cenek Duras, for secretary of state; T. L. Mathews, for auditor; Peter Mortensen, for treasurer; N. D. Jackson, for attorney-general; John F. Saylor, for superintendent of public lands and buildings. The platform pledged the party to adopt business methods in conducting the affairs and institutions of the state; to abolish all unnecessary offices; to make a revision of the tax laws, and to take necessary steps to secure a thorough revision of the state constitution.

Tickets were also nominated by the Prohibitionists, the Social

Labor, and the National Liberty parties, the candidates for governor being, respectively, R. V. Muir, H. S. Aley, and R. A. Hawley. The fusion ticket was successful at the election in November, the vote for governor being as follows: Poynter, 95,703; Hayward, 92,982; Muir, 1,724; Aley, 248, and Hawley, 166. The Republicans elected two of the six congressmen, and a majority of thirteen, on joint ballot, in the state legislature.

The one event that eclipsed all others in the year 1898, in the history of Nebraska, was the opening and successful conduct of the great Trans-Mississippi exposition at Omaha. In the latter part of November, 1895, the Trans-Mississippi Congress held a meeting at Omaha, at which W. J. Bryan introduced the following resolution: "WHEREAS, We believe that an exposition of all the products, industries, and civilization of the states west of the Mississippi river, made at some central gateway where the world can behold the wonderful capabilities of these great wealth-producing states, would be of great value, not only to the Trans-Mississippi states, but to all home seekers in the world; therefore, *Resolved*, That the United States Congress be requested to take such steps as may be necessary to hold a Trans-Mississippi exposition at Omaha, during the months of August, September, and October, 1898, and that the representatives of such States and Territories in Congress be requested to favor such an appropriation as is usual in such cases to assist in carrying out this enterprise."

The resolution was unanimously adopted, and at another meeting, January 18, 1896, in the rooms of the Omaha Commercial Club, the exposition association was organized by the election of Gurdon W. Wattles, president; Jacob E. Markel, vice-president; John A. Wakefield, secretary, and Herman Kountze, treasurer. This was the beginning of the enterprise. Bills for an appropriation of two hundred and fifty thousand dollars, to be available only after a similar amount of stock had been subscribed by individuals or private corporations, were introduced in both houses of congress. By November, 1896, the stock subscriptions amounted to more than three hundred thousand dollars, and congress passed a bill appropriating two hundred thousand dollars. The reduction of fifty thousand dollars was a great disappointment to the management of the exposition, but it served as a stimulus to greater effort. Stock subscriptions were pushed until four hundred and twenty thousand dollars had been secured; the state of Nebraska and Douglas county each appropriated one hundred thousand dollars, and the following sums were appropriated by the several states and territories: Illinois, forty-five thou-

sand dollars; Iowa, thirty-five thousand dollars; Montana, fifteen thousand dollars; Utah, eight thousand five hundred dollars; New Mexico, one thousand five hundred dollars; Georgia, ten thousand dollars; New York, seven thousand five hundred dollars; Massachusetts, six thousand dollars, and Ohio, three thousand dollars. The legislature of Kansas declined to make any appropriation, but the people, with commendable state pride, raised a fund of thirty thousand dollars to aid the cause and to have the state represented in the exhibits. A fund of twenty thousand dollars was raised by the people of Minnesota; one of fifteen thousand by the people of Montana, in addition to the sum appropriated by the state legislature, and one of twelve thousand dollars by the people of Wisconsin.

With these appropriations and contributions, the success of the undertaking was assured, and grounds were selected in the north part of the city for the site of the exposition. On April 27, 1897, Arbor day, the corner stone was laid on the site of the Arch of States, at the main entrance on Twentieth street, with Masonic ceremonies. Walker and Kimball, of Boston and Omaha, were selected as the supervising architects, and the erection of buildings was commenced. The principal buildings were the Arch of States, in which the management established offices during the exposition; the government building, at the west end of the grounds, erected by the United States government according to designs made by the supervising architect of the treasury department, the fine arts building, 130 by 246 feet; the agricultural building, 148 by 400 feet; the liberal arts building, 130 by 246 feet; the horticultural building, 160 by 300 feet, and the transportation building, 249 by 432 feet. In addition to these main buildings, there were several smaller ones, such as the boys' and girls' building and the various state headquarters. All the principal buildings were grouped around a grand canal, along the banks of which was a broad promenade. Abundant amusement features were provided on the midway, and, by permission of the commissioner of Indian affairs, the management secured the Congress of Indians, in which more than 500 Indians, representing twenty-five tribes, participated, and for which the United States congress appropriated forty thousand dollars.

June 1, 1898, was the opening day. A procession two miles long marched from the center of the city to the Arch of States, where the opening exercises took place. Owing to the absence of so many young men of the country on account of the Spanish-American war, all military features were discarded and the parade was purely civic in its character. After an invocation by Rev. S. J.



Nichols and addresses by John L. Webster and John N. Baldwin, the following message was received over the long distance telephone, direct from President McKinley, at the executive mansion in Washington:

"The events of the memorable half century which the Trans-Mississippi and International Exposition commemorates are interwoven with the history of the whole nation, and are of surpassing importance. The mighty West affords most striking evidence of the splendid achievements and possibilities of our people. It is a matchless tribute to the energy and endurance of the pioneer, while its vast agricultural development, its progress in manufactures, its advancement in the arts and sciences, and in all departments of education and endeavor, have been inestimable contributions to the civilization of the world. No where have the unconquerable determination, self-reliant strength, and sturdy manhood of our American citizenship been more forcibly illustrated. In peace or war the men and women of the West have ever been in the vanguard. I congratulate the management upon its magnificent enterprise, and assure all who participate in this undertaking of the deep interest which the Government has in its success."

After receiving the president's message, an address was delivered by Governor Holcomb, and at its close the signal was given to President McKinley that all was ready for the final touch of the electric button, that would start the machinery. Breathless, the audience waited while the chief executive of the nation, more than a thousand miles away, pressed his finger upon the little knob that was connected with the exposition. There was a little click, then followed the hum of the wheels and the throbbing of the engines, and the Trans-Mississippi Exposition was open to the world.

During the five months that the exposition was open, it was visited by 2,600,000 people. The greatest week was the second week in October. After the annihilation of the Spanish fleet at Santiago, it was suggested that the management of the exposition set apart a week known to be as Peace Jubilee week. The six days from October 10 to 15, inclusive, were selected, and the following programme for the week was arranged: Monday, Mayors' day; Tuesday, Governors' day; Wednesday, President's day; Thursday, Army and Navy day; Friday, Civil Government day, and Saturday, Children's day. The largest attendance on any one day was on Wednesday, October 12, on the occasion of President McKinley's visit. On that day 98,470 persons passed through the gates.

Under the provisions of the act of the legislature of 1897, Governor Holcomb appointed the following board of exposition commissioners to represent the state of Nebraska: William A. Poynter, William Neville, C. D. Caspar, W. M. Dutton, H. M. Boydston and A. C. Whitford. The commission organized by electing W. A. Poynter, president; William Neville, vice-president; C. D. Caspar, secretary, and employing J. N. Campbell as assistant secretary. Their work was well done, and the Nebraska exhibition was one of the best in the exposition.

William A. Poynter, the tenth governor of the state, was born at Eureka, Ill., May 29, 1848. At the age of nineteen he graduated from Eureka college. Two years later he was married to Miss Marie McCorkle, and shortly after his marriage removed to Nebraska. In 1885 he was a member of the lower house of the Nebraska legislature. In 1890 he was elected to the state senate, and was president pro tem. of that body at the session of 1891. The next year he was a candidate for congress, but was defeated. By the fusion of the Democrats, Populists and Free Silver Republicans, he was elected governor in 1898, and at the close of his term was chosen supreme commander of the American Order of Protection.

The twenty-sixth legislature met January 3, 1899, and remained in session until the last day of March. A. R. Talbot was elected president pro tem. of the senate, and Paul F. Clark, speaker of the house. Soon after the inauguration of Governor Poynter and the new administration, an exciting contest over the election of a United States senator to succeed William V. Allen arose. Several candidates presented themselves, and, while the Fusionists gave Senator Allen a solid support, the Republican majority was so divided that the balloting continued for nearly two months before a result was reached. Finally the Republican caucus united on Monroe L. Hayward and elected him, but he died before taking his seat, and Governor Poynter appointed Senator Allen to the vacancy, to serve until his successor should be elected by the legislature.

During the session the legislature passed acts prohibiting the employment of children under ten years of age in manufacturing and mercantile concerns; allowing those between the ages of ten and fourteen to work in such establishments during school vacations only; requiring a record to be kept of all employes under the age of sixteen, and compelling employers in factories and stores to furnish seats for women employes. A resolution commending the First Nebraska regiment for its gallant services in the Philippines was vetoed by Governor Poynter, who objected

to the statement that the troops were engaged in "defending the principles of our government and adding new glory to the flag." The senate passed the resolution over the veto, but in the house it could not command the requisite three-fifths of the votes and was lost.

Only three sets of candidates were presented to the voters in the judicial election of 1899. The Fusionists named ex-Governor Holcomb for justice of the supreme court and J. L. Teeters and Edson Rich for regents of the university. For justice the Republicans nominated M. B. Rees; for regents, E. G. McGilton and Dr. William B. Ely. No nomination for justice was made by the Prohibitionists, but Charles E. Smith and Albert Fitch were nominated for regents. All three of the Fusion candidates were elected.

On March 19, 1900, the Democrats held a state convention at Lincoln to select delegates to the national convention at Kansas City in July. The convention adopted resolutions favoring the construction and fortification of the Nicaraguan canal by the United States government; an amendment to the Federal constitution that would allow the election of United States senators by direct vote, and the free coinage of silver at a ratio of sixteen to one. Other declarations condemned the Porto Rican tariff bill; denounced the Philippine policy of the national administration, and expressed sympathy with the Boers in their war with Great Britain. A little while after the Kansas City convention, the Democrats, Populists and Free Silver Republicans met, and for a third time united in the formation of a state ticket. Governor Poynter and Lieutenant-Governor Gilbert were re-nominated. C. V. Svoboda was named for secretary of state; H. T. Griess, for auditor; S. B. Howard, for treasurer; W. D. Oldham, for attorney-general; Charles F. Beck, for superintendent of public instruction, and P. J. Carey, for land commissioner.

The Republicans nominated their state ticket, May 2, at the same time that they chose their national delegates. Charles H. Dietrich was nominated for governor; E. P. Savage, for lieutenant-governor; George W. Marsh, for secretary of state; Charles Weston, for auditor; William Stueffer, for treasurer; F. N. Prout, for attorney-general; W. K. Fowler, for superintendent of public instruction, and George D. Follmer, for commissioner of public lands and buildings. The platform endorsed the Dingley and Porto Rican tariff bills and the legislation that strengthened the gold standard; and declared in favor of converting much of the large appropriations for the improvement of rivers and harbors

to the reclamation of the arid lands of the West by establishing irrigating systems.

On July 20, the Middle-of-the-road Populists met at Grand Island, nominated a state ticket, and adopted a long series of resolutions denouncing fusion and declaring in favor of the municipal ownership of street railways, telephones, water-works and electric light plants. They advocated an irredeemable paper currency, to be issued direct from the government to the people, and, until such time as it could be obtained, favored the free and unlimited coinage of silver, at a ratio of sixteen to one. Tickets were also nominated by the Prohibition and Social Labor parties. The vote for president, at the election in November, was as follows: McKinley, Republican, 121,835; Bryan, Democrat, 114,013; Woolley, Prohibitionist, 3,655; Debs, Social Democrat, 823; Barker, Middle-of-the-road Populist, 1,104. On the state ticket the vote was very close. Dietrich received 113,897 votes for governor; Poynter, 113,018; Jones, Prohibitionist, 4,315; Kharas, Social Democrat, 675, and Flick, Middle-of-the-road Populist, 1,095. The other candidates on the Republican ticket were elected by approximately the same pluralities as that received by the candidate for governor.

Charles Henry Dietrich, the eleventh governor of the state of Nebraska, was born at Aurora, Ill., November 26, 18—. The major part of his education was obtained in the common schools of his native town. As a young man, he worked on a farm, and later clerked in stores at Chicago and at St. Joseph, Mo. He also spent some time on Southern plantations. Shortly after the discovery of gold in the Black Hills, he went there and for about three years was engaged in mining and merchandising. In 1878 he located at Hastings, Neb., and soon became recognized as one of the active business men of the city. His nomination for governor in 1900 was made by acclamation, and his election broke the lines of fusion victories. He resigned soon after his inauguration to accept a seat in the United States senate.

At the close of the year 1900, the state engineer reported four thousand miles of irrigating canals in operation. They had been constructed at a cost of nearly five million dollars, and they supplied almost two million acres with moisture. The increase in land value in the irrigated districts, due to the construction of the canals, was estimated, in round numbers, at seventeen million dollars.

The legislature of 1901 met on the 1st day of January. Two United States senators were to be elected: One to fill the unex-



pired term of M. L. Hayward, deceased, and one to succeed John M. Thurston. On joint ballot the Republicans had a majority of nine, but they were so divided that more than fifty ballots were taken before a choice was made. Then Governor Dietrich was elected for the short term ending in 1905, and Joseph H. Millard, to succeed Senator Thurston, for the term ending in 1907.

Sen. Joseph H. Millard was born at Hamilton, Canada, in 1836. At the age of 20 he settled in Nebraska while it was still a territory. He founded the Omaha National Bank, was for a long time president of the institution, and was for many years one of the directors of the Union Pacific Railway.

It will be remembered that, by the provisions of the enabling act under which Nebraska was admitted into the Union, five per cent of the proceeds arising from the sale of public lands was to be paid to the state for the benefit of the common schools. Lands to the amount of more than eight hundred and seventy-six thousand dollars having been sold in the Old Pawnee reservation, and only about two thirds of the five per cent having been paid to the state, the legislature of 1901 passed a joint resolution directing the governor to take the necessary steps to collect the balance, which amounted to about seventeen thousand dollars. An appropriation of thirty-six thousand three hundred and seventy dollars to repay to certain parties the amount of their donations for the purpose of paying the transportation charges of the First Nebraska regiment from San Francisco to Lincoln, on its return from the Philippines in 1899, was made by the same legislature. Upon the resignation of Governor Dietrich, in March, Lieutenant-Governor Savage became the twelfth governor of the state.

Ezra Perrin Savage was born near Connersville, Fayette county, Ind., in 1842; but in his childhood went with his parents to Iowa, where he lived until 1879. After attending the common schools two or three months each winter until he was sixteen, he worked his way through the Davenport high school, and through Iowa college until its removal to Grinnell. He studied law and was admitted to practice in the state and United States courts. During the Civil war he was a scout with Grant and Sherman. After the war he engaged in the stock, grain and agricultural implement business at Lyons, Ia., continuing until 1873, when he removed to Crawford county and went into the cattle raising business. Six years later he transferred his cattle business to Custer county, Neb., and at the same time engaged in business at South Omaha. He was the first mayor of South Omaha, was a member of the

Nebraska legislature in 1882, and the next year laid out the town of Sargent, in Custer county, and took up his residence there.

On April 27, 1902, Julius Sterling Morton, one of Nebraska's pioneers, and one of the best known men in the state, passed over to the silent majority. He was born in Jefferson county, N. Y., April 22, 1832. At the age of twenty-two he graduated from Union college, New York, and soon afterward became a resident of Nebraska territory. In 1858 he was appointed territorial secretary. Upon the resignation of Governor Richardson, he assumed the duties of governor; and after the resignation of Governor Black, in the spring of 1861, he again assumed the same duties. He served with distinction in the territorial legislature, and was one of the founders of the Nebraska Agricultural Society. During President Cleveland's second term, he held the portfolio of agriculture in the cabinet. When he entered the office, he found a large number of useless employes on the pay roll; and, in the course of nine months, he reduced the force more than three hundred without injuring the efficiency of the department. As a member of the Agricultural Society, he offered a resolution at the January meeting, 1872, that "Wednesday the 10th. of April be and the same is hereby set apart and consecrated for tree planting in the State of Nebraska, and the State Board of Agriculture hereby name it Arbor day; and, to urge upon the people of the State the vital importance of tree planting, hereby offer a special premium of one hundred dollars to the agricultural society of that county of Nebraska which shall, upon that day, plant properly the largest number of trees; and a farm library of twenty-five dollars worth of books to that person who shall on that day plant the greatest number of trees."

It was estimated that more than one million trees were planted on that first Arbor day. Since that time hundreds of millions have been planted by the citizens of that state. Two months after the adoption of the resolution by the Nebraska Agricultural Society, Senator Hitchcock secured the passage of a bill by the United States senate to encourage tree planting in the prairie states of the West. The Nebraska legislature fixed upon April 22, Morton's birthday, as Arbor day and made it a legal holiday.

On June 18, 1902, the Republicans held their state convention at Lincoln. Secretary Marsh, Auditor Weston, Attorney-General Prout, Superintendent Fowler and Land Commissioner Follmer were all re-nominated. J. H. Mickey was named for governor; E. G. McGilton, for lieutenant-governor, and Peter Mortensen, for treasurer. The platform re-affirmed the declarations of the

national convention at Philadelphia, in 1900; endorsed President Roosevelt's administration; recommended a tax on the gross premiums of life and accident insurance companies doing business in the state, and favored a revision of the state constitution.

The Democrats and Populists met at Grand Island, June 24. Each party promulgated a declaration of principles, independent of the other, though the two conventions, after a rather stormy time, united in the selection of a ticket. The Democrats reiterated the Kansas City platform of 1900; declared the Republican party to be subservient to corporate power because of the failure of the national administration to enforce the laws against trusts; expressed opposition to the Fowler banking and currency bill, endorsed the course of the Democratic and Populist congressmen from Nebraska in supporting the irrigation bill and the Cuban reciprocity measure; favored the election of United States senators by direct vote, and demanded the enforcement of all laws relating to discrimination by railroad companies.

The Populist convention re-affirmed the Omaha, St. Louis and Sioux Falls platforms, and pledged the party, if successful at the election, to a reduction of at least fifteen per cent in freight charges on certain classes of freight. The party was also pledged to the adoption of the initiative and referendum, and to the enactment of a law prohibiting railroad companies from issuing free passes except to their employes and to shippers of live stock.

After the Democrats had adopted their platform, they proceeded to name Constantine J. Smythe for governor. This movement took the Populists by surprise, and they retaliated by nominating M. H. Harrington for the same office. Then followed an all night session in which the friends of fusion labored assiduously to bring about harmony between the contending elements. Ex-Sen. W. V. Allen made an eloquent speech, nominating W. J. Bryan, and, doing so, managed to secure the withdrawal of both Smythe and Harrington. Mr. Bryan was given the nomination by the convention, but declined it, and W. H. Thompson, a Democrat, was finally selected as the Fusion candidate. The rest of the ticket was as follows: Lieutenant-governor, E. A. Gilbert; secretary of state, John H. Powers; auditor, Charles Q. DeFrance; treasurer, J. P. Lyman; attorney-general, J. H. Broady; superintendent of public instruction, Claude Smith; land commissioner, James C. Brennan. Besides the candidate for governor, the Democrats named the candidates for attorney-general and commissioner of public lands and buildings.

Tickets were also placed in the field by the Prohibitionists and

the Social Labor party. At the election the vote for governor was as follows: Mickey, Republican, 96,471; Thompson, Fusion, 91,116; Davies, Prohibitionist, 3,397; Bigelow, Social Labor, 3,157.

In October, 1902, the teacher of a district school in Gage county was in the habit of opening the school by reading a selection from the Bible, offering a prayer and having the children join in singing a hymn. Daniel Freeman, a patron of the school asked the district court to grant a writ of mandamus to the school board, prohibiting the exercises. The district court dismissed the case, but the supreme court took a different view. In an opinion written by Commissioner John H. Ames, and concurred in by Justices Sedgwick and Holcomb, it was held that, "It is the function of the court to expound not religious creeds or writings, but the constitution and laws of the State. We are of the opinion that the return does not state facts sufficient to constitute a defense to the alternative writ, and it is recommended that the judgment of the District Court be reversed, and that a peremptory writ as prayed issue from this court to the respondents and their successors in office."

The decision was based on two sections of the Nebraska constitution. Section 4, Article I, provides that "No person shall be compelled to attend, erect, or support any place of worship against his consent, and no preference shall be given by the law to any religious society, nor shall any interference with the rights of conscience be permitted." Section II, Article VIII, says: "No sectarian instruction shall be allowed in any school or institution supported in whole or in part by the public fund set apart for educational purposes."

In her testimony before the lower court, the teacher admitted that she looked upon the exercises in question as constituting a sort of religious service, and that she conducted them for religious purposes. The decision caused wide spread comment at the time it was rendered, opinion being divided as to the appropriateness of such a decree; but it showed conclusively how well the founders of the Nebraska state government had carried out the idea of completely divorcing the church and the state.



## CHAPTER VI

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### Description and Statistics

NEBRASKA has an area of seventy-six thousand eight hundred and ninety-five square miles, being the eleventh largest state in the Union. Its general form is that of a parallelogram, four hundred miles long from east to west by two hundred broad from north to south. The surface is diversified. Hills are found in both the eastern and western portions, with wide valleys or bottoms along the streams; but as a whole the state might be called a great plateau. In the eastern part, along the Missouri river, the elevation is about seventeen hundred feet above the sea level, while the average elevation of the western half is not far from thirty-five hundred feet. Although the temperature ranges from twenty-five degrees below zero in winter to one hundred and six degrees above in the summer months, instances are rare when these extremes are reached. The mean annual temperature is from forty-six to fifty degrees, that of the summer season being about seventy-three; and the winters are not usually severe, except for an occasional blizzard. In the eastern part of the state there is sufficient rainfall to insure good crops, and, by the construction of new irrigation systems every year, the "waste lands" of the western plains are fast becoming productive. Rain seldom falls during the winter season, and the autumns are long and dry.

Agriculture and stock raising are the principal occupations. The Board of Agriculture was organized under the act of the territorial legislature, approved October 14, 1858. The first meeting of the board was held October 30, at which R. W. Furnas was elected president; A. D. Jones, secretary; J. M. Thayer, treasurer; and E. H. Chapin, M. S. Reeves, H. Baird, C. Bobst, and Broad Cole, a board of managers. The first territorial fair

was held at Nebraska City, September 21 to 23, inclusive, 1859. The old board of agriculture was reorganized as the State Board, upon the admission of Nebraska into the Union, and fairs have been held annually since, growing in interest and popularity as the wealth and population of the state has increased. At that first fair, in 1859, four premiums on fruits were awarded. In 1868, at the second fair, eight premiums on fruits were divided among five exhibitors. A State Horticultural Society began to be talked of; but it was not until September 29, 1869, that the matter took definite shape in the way of an organization. On that date twenty-three fruit growers met at Nebraska City and elected J. H. Masters, president, R. W. Furnas, secretary, and O. P. Mason, treasurer. The first semi-annual meeting of the society, at which a variety of fruits were shown and considerable interest aroused in the subject of horticulture, was held January 5, 1870. The legislature then in session made an appropriation of two thousand dollars to the society; and, at the second meeting in June, a fine exhibition of vegetables and flowers, that proved a still further stimulus to the work, was given. At the January meeting in 1873, R. W. Furnas, J. Sterling Morton, James F. Allen and J. H. Masters were chosen delegates to the pomological exhibition to be held at Boston, Mass., in the following September. A carload of Nebraska fruits was taken to Boston, and received favorable notice. This was the first time the attention of the outside world was called to the possibilities of Nebraska as a fruit growing region. Since that time prizes have been taken at various expositions. In 1900 there were more than five hundred thousand acres of orchards reported.

By an act of the legislature, approved February 24, 1879, the government was authorized to appoint three citizens of the state as members of a State Fish Commission. In June, Governor Nance appointed William L. May, H. S. Kaley and Dr. R. R. Livingston. The first annual report of these commissioners, made in 1880, showed that there were six thousand four hundred and eighty-five miles of streams north of the Platte, including that river, and two thousand six hundred and forty-five miles south of the Platte. The number of lakes suitable for the propagation of fish was reported to be ninety-nine, with an area of eleven thousand one hundred and sixty acres. An appropriation of seven thousand four hundred dollars "for the use and benefit of the Fish Commission," was made by the legislature of 1881. Hatcheries were constructed, and since that time millions of

young fish have been added to Nebraska waters. Thus agriculture, horticulture and pisciculture have been fostered and encouraged by the state in a way worthy of emulation by some of the older states.

Of the voluntary associations the oldest is the Press Association. It was organized December 5, 1859. At the first meeting there were six newspapers represented. Those present were: Thomas Morton and M. W. Reynolds, of the *Nebraska City News*; R. W. Furnas, of the *Brownville Advertiser*; T. H. Robertson, of the *Omaha Nebraskan*; E. D. Webster, of the *Omaha Republican*; E. Giles, of the *Plattsmouth Sentinel*; Burbank and Jamison, of the *Falls City Broadaxe*, and M. H. Clark, H. D. Johnson, J. W. Pattison and S. Belden, ex-editors. The organization was named the "Editors and Publishers Association." M. W. Reynolds was elected president, R. W. Furnas, vice-president and M. H. Clark, secretary. The organization thus began has continued ever since. As the number of newspapers increased, the majority of the publishers became members of the association, and the meetings are events of good fellowship, interchange of thought and mutual advancement.

On May 11, 1868, a few physicians met in the office of Dr. J. H. Peabody, at Omaha, and laid the foundation of the State Medical Society. A committee was appointed to draw up a constitution and by-laws, plan of organization, etc., and instructed to report at a second meeting called for June 24. The constitution adopted at that time provided for three classes of members: Delegates, members by permission, and permanent members. Officers as follows were elected: President, Gilbert C. Monell; first vice-president, R. R. Livingston; second vice-president, Napoleon B. Larsh; corresponding secretary, J. C. Denise; permanent secretary, S. D. Mercer; treasurer, Daniel Whiting. The by-laws provided for an annual meeting on the second Tuesday in June. The meetings of the society have usually been well attended; and the work of organization, in keeping its members abreast of modern thought and methods with regard to the science of medicine, has been effective.

The lawyers were some years behind the doctors in the formation of a state association. Various counties formed bar associations during the early years of statehood, but the State Bar Association was not organized until January 6, 1876. According to the constitution adopted at that time, the purposes of the association were "to maintain a high standard of professional integrity among the members of the Nebraska Bar; to cultivate social inter-

course among them; to encourage a thorough and liberal legal education, and to assist in the improvement of the law and the due administration of justice to all classes of society without distinction." The constitution provided that any member of a county bar association should be eligible for membership. Members guilty of conduct unbecoming an attorney were to be punished, and lawyers not members of the association were to be rebuked for any irregular practice. S. H. Calhoun was the first president, and D. G. Hull the first secretary. The association was incorporated under the laws of the state, and it has done signal work in giving to the attorneys of Nebraska a high standing, both at home and abroad.\*

The civil government of Nebraska, like that of the other states, is modeled after that of the American republic. State officers and members of the legislature are elected biennially at the same time that representatives to congress are chosen, and the legislature meets in January of the odd numbered years. Following is a list of the principal territorial and elective state officers since the organization of the territory in 1854, with the date of their appointment or election.

Territorial governors: Francis Burt, 1854; Mark W. Izard, 1855; William A. Richardson, 1858; Samuel W. Black, 1859; Alvin Saunders, 1861. Thomas B. Cuming served as acting governor from October, 1854, to February, 1855, and again from October, 1857 to January, 1858. J. Sterling Morton served as acting governor from December, 1858, to May, 1859, and from February to May, 1861.

Secretaries of the territory: Thomas B. Cuming, 1854; John B. Motley, (acting) 1858; J. Sterling Morton, 1858; Algernon S. Paddock, 1861.

Delegates to congress: Napoleon B. Giddings, 1854; Bird B. Chapman, 1855; Fenner Ferguson, 1857; Experience Estabrook, 1859; Samuel G. Daily, 1860; Phineas W. Hitchcock, 1864.

Chief justices: Fenner Ferguson, 1854; Augustus Hall, 1858; William Pitt Kellogg, 1861; William Kellogg, 1865; William A. Little, 1866 (died in office).

Associate justices: Edward R. Hardin and James Bradley, 1854; Eleazer Wakely and Samuel W. Black, 1857; Joseph Miller, 1859; William E. Lockwood, and Joseph E. Streeter, 1861; Elmer S. Dundy, 1863.

State governors: David Butler, 1866 (impeached in 1871

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\* For an account of the organization of the State Historical Society see chapter II.



and Secretary of State W. H. James became acting governor until 1873); Robert W. Furnas, 1872; Silas Garber, 1874; Albinus Nance, 1878; James W. Dawes, 1882; John M. Thayer, 1886; James E. Boyd, 1890; Lorenzo Crounse, 1892; Silas A. Holcomb, 1894; William A. Poynter, 1898; Charles H. Dietrich, 1900 (elected to the United States senate one month after his inauguration and Lieut.-Gov. Ezra P. Savage served the remainder of the term); John H. Mickey, 1902.

Lieutenant governors: (Office created by the constitution of 1875), Othman A. Abbott, 1876; Edmund C. Carns, 1878; A. W. Agee, 1882; H. H. Shedd, 1884; George D. Meikeljohn, 1888; Thomas J. Majors, 1890; R. E. Moore, 1894; J. E. Harris, 1896; E. A. Gilbert, 1898; E. P. Savage, 1900; C. F. Steele, 1901.

Secretaries of state: Thomas P. Kennard, 1866; William H. James, 1870; John J. Gosper, 1872; Bruno Tzschuck, 1874; S. J. Alexander, 1878; Edward P. Roggen, 1882; Gilbert L. Laws, 1886; John Catlin, 1890; J. A. Piper, 1894; W. F. Porter, 1896; George W. Marsh, 1900.

Auditors: John Gillespie, 1864 (continued in office from the territorial regime); J. B. Weston, 1872; F. W. Liedtke, 1878; John Wallichs, 1880; H. A. Babcock, 1884; T. H. Benton, 1888; J. F. Cornell, 1896; Charles Weston, 1900.

Treasurers: Augustus Kountze, 1861 (continued from the territorial government); James Sweet, 1868; Henry Koenig, 1870; J. C. McBride, 1874; George M. Bartlett, 1878; P. D. Sturdevant, 1882; Charles H. Willard, 1884; John E. Hill, 1888; Joseph S. Bartley, 1892; J. B. Meserve, 1896; William Stueffer, 1900.

Attorneys general: Champion S. Chase, 1866; Seth Robinson, 1868; George H. Roberts, 1870; J. R. Webster, 1872; George H. Roberts, 1874; C. J. Dilworth, 1878; Isaac Powers, 1882; William Leese, 1884; George H. Hastings, 1890; A. S. Churchill, 1894; C. J. Smythe, 1896; F. N. Prout, 1900.

Superintendents of public instruction: S. D. Beals, 1868; J. M. McKenzie, 1870; S. R. Thompson, 1876; W. W. W. Jones, 1880; George B. Lane, 1886; A. K. Goudy, 1890; H. R. Corbett, 1894; William R. Jackson, 1896; William K. Fowler, 1900.

Commissioners of public lands and buildings: F. M. Davis, 1876; A. G. Kendall, 1880; John Scott, 1884; John Steen, 1888; A. R. Humphrey, 1890; H. C. Russell, 1894; Jacob V. Wolfe, 1896; George D. Follmer, 1900.

Chief justices: William A. Little, 1866; O. P. Mason, (ap-

pointed) 1866; George B. Lake, 1873; Daniel Gantt, 1878; Samuel Maxwell, 1878; Amasa Cobb, 1884; M. B. Reese, 1888; T. L. Norval, 1894; A. M. Post, 1896; T. O. C. Harrison, 1898; J. J. Sullivan, 1902.

Associate justices: George B. Lake, 1867; Lorenzo Crounse, 1867; Daniel Gantt and Samuel Maxwell, 1873; Amasa Cobb, 1878; M. B. Reese, 1884; T. L. Norval, 1889; A. M. Post, 1891; T. O. C. Harrison, 1893; J. J. Sullivan, 1897; D. A. Campbell, 1897; Silas A. Holcomb, 1899; S. H. Sedgwick, 1901.

United States senators: John M. Thayer, 1867 to 1871; P. W. Hitchcock, 1871 to 1877; Alvin Saunders, 1877 to 1883; Charles F. Manderson, 1883 to 1895; John M. Thurston, 1895 to 1901; Joseph H. Millard, 1901 to —; Thomas W. Tipton, 1867 to 1875; A. S. Paddock, 1875 to 1881; Charles H. Van Wyck, 1881 to 1887; A. S. Paddock, 1887 to 1893; W. V. Allen, 1893 to 1901; Charles H. Dietrich, 1901 to —.

In 1900 there were ninety organized counties in the state. Some of the counties, as first established, have disappeared, the territory constituting them having been added to the adjoining counties or taken to form new ones. A little study of the succeeding tables will give the reader an idea of the formation of counties, as well as of the growth and distribution of the population.

Notwithstanding the slight increase in population during the decade from 1890 to 1900, a majority of the counties showed a healthy growth, both in the number of inhabitants and the value of their property. Outside of Douglas county, the counties suffering an actual decrease were those in the "dry belt," where the people became discouraged after the droughts of 1893-94, and many left the state. The most notable instances of this fact are to be seen in the counties of Blaine, Hayes, Logan, Perkins and Dundy. But "one swallow does not make a summer," nor does one census decade make a state. It would be both unwise and unfair to judge the climate of Nebraska by one or two dry seasons, or to conclude that the state was uninhabitable because some of the people left it. While a few hundreds grew discouraged and went away, more than a million remained, and immigrants kept coming in, bringing with them the courage to surmount obstacles and pluck success from the very grasp of disaster.

TABLE SHOWING THE DATE OF CREATION AND ORGANIZATION OF EACH COUNTY IN THE STATE, TOGETHER WITH THE PRESENT COUNTY SEAT.

Counties.	Created.	Organized.	County seat.
Adams .....	Feb. 16, 1867	Apr. 19, 1871	Hastings.
Antelope .....	Mar. 1, 1871	June, 1871	Neligh.
Arthur (a) .....	Mar. 31, 1867	.....	.....
Banner .....	Nov. 6, 1888	1888	Harrisburg.
Blackbird (a) .....	Mar. 7, 1855	.....	.....
Blaine .....	Mar. 5, 1885	1886	Brewster.
Boone .....	Mar. 1, 1871	July 28, 1871	Albion.
Box Butte .....	Nov. 2, 1886	1887	Alliance.
Boyd .....	Mar. 20, 1891	1891	Butte.
Brown .....	Feb. 19, 1883	1883	Ainsworth.
Buffalo .....	Mar. 14, 1855	Feb., 1870	Kearney.
Burt .....	Feb. 18, 1855	1855	Tekamah.
Butler .....	Jan. 26, 1856	Oct. 21, 1868	David City.
Calhoun (b) .....	Jan. 26, 1856	.....	.....
Cass .....	Mar. 7, 1855	Apr. 10, 1855	Plattsmouth.
Cedar .....	Feb. 12, 1857	Feb. 12, 1857	Hartington.
Chase .....	Feb. 27, 1873	1886	Imperial.
Cherry .....	Feb. 23, 1883	1883	Valentine.
Cheyenne .....	June 22, 1867	Oct., 1870	Sidney.
Clay .....	Mar. 7, 1855	Oct. 14, 1871	Clay Center.
Colfax .....	Feb. 15, 1869	Mar. 20, 1896	Schuyler.
Cumming .....	Mar. 16, 1855	Oct. 12, 1858	West Point.
Custer .....	Feb. 17, 1877	1887	Broken Bow.
Dakota .....	Mar. 7, 1855	1855	Dakota.
Dawes .....	Feb. 19, 1885	1885	Chadron.
Dawson .....	Jan. 11, 1860	June 26, 1871	Lexington.
Deuel .....	Nov. 6, 1888	1888	Chappell.
Dixon .....	Jan. 26, 1858	Dec., 1858	Ponca.
Dodge .....	Mar. 6, 1855	1855	Fremont.
Douglas .....	Mar. 2, 1855	1855	Omaha.
Dundy .....	Feb. 27, 1873	1884	Benkelman.
Emmett (a) .....	Feb. 18, 1867	.....	.....
Fillmore .....	Jan. 26, 1856	April 25, 1871	Geneva.
Franklin .....	Feb. 16, 1867	Mar. 9, 1871	Bloomington.
Frontier .....	Jan. 17, 1872	Jan. 17, 1872	Stockville.
Furnas .....	Feb. 27, 1873	Apr. 8, 1873	Beaver City.
Gage .....	Mar. 16, 1855	July 16, 1857	Beatrice.
Garfield .....	Mar. 2, 1881	1884	Burwell.
Gosper .....	1873	Aug. 29, 1873	Elwood.
Grant .....	Mar. 31, 1887	1888	Hyannis.
Greeley .....	Mar. 1, 1871	Oct. 8, 1872	Greeley.
Greene (c) .....	Mar. 6, 1855	.....	.....
Hall .....	Nov. 4, 1858	1859	Grand Island.
Hamilton .....	Feb. 16, 1867	May 3, 1870	Aurora.
Harlan .....	June 3, 1871	July 3, 1871	Alma.
Hayes .....	Feb. 19, 1877	1884	Hayes Center.
Hitchcock .....	Feb. 27, 1873	Aug. 30, 1873	Trenton.
Holt .....	Jan. 9, 1862	Dec. 27, 1876	O'Neill.
Hooker .....	Mar. 29, 1889	1889	Mullen.
Howard .....	Mar. 1, 1871	Mar. 28, 1871	St. Paul.
Izard (a) .....	Mar. 6, 1855	.....	.....
Jackson (a) .....	Mar. 9, 1855	.....	.....
Jefferson .....	Jan. 26, 1856	1857	Fairbury.
Johnson .....	Feb. 10, 1857	Feb. 13, 1857	Tecumseh.
Johnston (a) .....	Mar. 2, 1855	.....	.....
Jones (a) .....	Jan. 23, 1856	.....	.....
Kearney .....	Jan. 10, 1860	June 17, 1872	Minden.
Keith .....	Feb. 27, 1873	May 3, 1873	Ogallala.
Keya Paha .....	Nov. 4, 1884	1884	Springview.
Kimball .....	Nov. 6, 1888	1888	Kimball.
Knox .....	1857	Mar. 3, 1873	Niobrara.
Lancaster .....	Mar. 6, 1855	Oct. 10, 1859	Lincoln.
L'eau qui Court (d) .....	Feb. 10, 1857	.....	.....
Lincoln .....	Dec. 11, 1861	Oct. 9, 1866	North Platte.
Logan .....	Feb. 24, 1885	1885	Gandy.
Loup .....	Mar. 6, 1855	1883	Taylor.
McNeale (a) .....	Mar. 6, 1855	.....	.....
McPherson .....	Mar. 31, 1887	1890	Tryon.

TABLE SHOWING THE DATE OF CREATION AND ORGANIZATION OF EACH COUNTY—Continued.

Counties.	Created.	Organized.	County seat.
Madison....	Jan. 26, 1856	Jan. 21, 1888	Madison.
Merrick.....	Nov. 4, 1858	Apr. 18, 1864	Central City.
Monroe (a).....	Jan. 26, 1856		
Morton (a).....	Jan. 6, 1860		
Nance.....	Feb. 13, 1879	June 21, 1879	Fullerton.
Nemaha.....	Mar. 7, 1855	1855	Auburn.
Nuckolls.....	Jan. 13, 1860	June 21, 1871	Nelson.
Otoe.....	Mar. 2, 1855	1855	Nebraska City.
Pawnee.....	Mar. 2, 1855	Aug. 25, 1856	Pawnee City.
Perkins.....	Nov. 8, 1887	1887	Grant.
Phelps.....	Jan. 11, 1873	Apr. 3, 1873	Holdrege.
Pierce.....	Jan. 29, 1856	July 26, 1870	Pierce.
Platte.....	Jan. 26, 1856	Jan. 4, 1858	Columbus.
Polk.....	Jan. 26, 1856	Aug. 6, 1870	Osceola.
Red Willow.....	Feb. 27, 1873	May 27, 1873	McCook.
Richardson.....	Mar. 7, 1855	Mar. 7, 1855	Falls City.
Rock.....	Nov. 6, 1858	1858	Bassett.
Saline.....	Mar. 6, 1855	Feb. 18, 1867	Wilber.
Sarpy.....	Feb. 7, 1855	May 25, 1857	Papillion.
Saunders.....	Jan. 8, 1862	Nov. 8, 1867	Wahoo.
Scotts Bluff.....	Nov. 6, 1888	1888	Gering.
Seward.....	Jan. 3, 1862	Oct. 1, 1887	Seward.
Sheridan.....	Feb. 25, 1885	1885	Rushville.
Sherman.....	Mar. 1, 1871	Apr. 1, 1873	Loup.
Shorter (e).....	Jan. 7, 1860		
Sioux.....	Feb. 19, 1877	1886	Harrison.
Stanton.....	Jan. 10, 1862	Jan. 23, 1867	Stanton.
Thayer.....	Mar. 3, 1871	Oct. 1871	Hebron.
Thomas.....	Mar. 31, 1847	1887	Theftford.
Thurston.....	Mar. 28, 1889	1889	Pender.
Valley.....	Mar. 1, 1871	Mar. 18, 1873	Ord.
Washington.....	Feb. 22, 1855	1855	Blair.
Wayne.....	Mar. 4, 1871	Sept. 5, 1871	Wayne.
Webster.....	Feb. 16, 1867	Apr. 19, 1871	Red Cloud.
West (a).....	Jan. 13, 1860		
Wheeler.....	Feb. 17, 1877	Apr. 11, 1881	Bartlett.
Wilson (a).....	Jan. 6, 1860		
York.....	Mar. 13, 1855	Apr. 26, 1870	York.

(a) Absorbed by the organization of other counties.

(b) Changed to Saunders by the legislature of 1862.

(c) Name changed to Seward in 1862.

(d) Name changed to Knox in 1873.

(e) Changed to Lincoln county by the legislature in December, 1861.



TABLE SHOWING THE POPULATION BY COUNTIES, AT EACH UNITED STATES CENSUS SINCE THE ORGANIZATION OF THE TERRITORY IN 1854.

Counties.	1860.	1870.	1880.	1890.	1900.
Adams		19	10,235	14,303	18,840
Antelope			3,953	10,399	11,344
Arthur				91	
Banner				2,435	1,114
Blaine				1,146	603
Boone				8,683	11,689
Box Butte			4,170	5,494	5,572
Boyd				695	7,332
Brown				4,359	3,470
Buffalo				22,162	20,254
Burt	114	193	7,531	11,099	13,040
Butler	388	2,847	6,937	15,454	15,703
Calhoun	27	1,290	9,194		
Cass	41				
Cedar	3,369	8,151	16,683	24,080	21,330
Chase	246	1,032	2,899	7,028	12,467
Cherry			70	4,807	2,559
Cheyenne				6,428	6,541
Clay		190	1,558	5,693	5,570
Colfax	165	51	11,284	16,310	15,735
Cuming		1,423	6,588	10,453	11,211
Custer	67	2,964	5,569	12,265	14,584
Dakota			2,211	21,677	19,584
Dawes	819	2,040	3,213	5,386	6,288
Dawson				9,722	6,215
Denel	16	103	2,949	10,129	12,214
Dixon				2,893	2,630
Dodge	247	1,345	4,177	8,084	10,535
Douglas	309	4,212	11,263	19,260	22,298
Dundy	4,328	19,982	37,645	158,008	140,590
Fillmore			37	4,012	2,434
Franklin		238	10,204	16,022	15,087
Frontier		26	5,465	7,693	9,455
Furnas			934	8,497	8,781
Gage			6,407	9,940	12,373
Garfield	421	3,359	13,164	36,344	30,051
Gosper				1,659	2,127
Grant			1,673	4,816	5,801
Greeley				458	763
Greene			1,461	4,869	5,691
Hall	16				
Hamilton	116	1,057	8,572	16,513	17,206
Harlan		130	8,267	14,096	13,330
Harrison		631	6,086	8,158	9,370
Hayes					
Hitchcock			119	3,953	2,708
Holt			1,012	5,799	4,409
Hooker			3,287	13,672	12,224
Howard				426	432
Jackson			4,391	9,430	10,343
Jefferson		9			
Johuson		2,440	8,096	14,750	15,196
Jones	528	3,429	7,595	10,333	11,197
Kearney	122				
Keith	474	58	4,072	9,061	9,866
Keya Paha			134	2,556	1,951
Kimball				3,920	3,096
Knox				959	758
Lancaster	152	261	3,666	8,582	14,343
Lincoln	153	7,074	28,090	76,395	64,835
Logan		17	3,632	10,441	11,416
Loup				1,578	960
Lyon				1,662	1,305
McPherson		78			
Madison				401	517
Merrick		1,133	5,559	13,669	16,976
Monroe	109	557	5,341	8,758	9,255
Nance		255			
Nemaha	3,139	44	1,212	5,773	8,222
		7,593	10,451	12,930	14,953

TABLE SHOWING POPULATION BY COUNTIES—Continued.

Counties.	1860.	1870.	1880.	1890.	1900.
Nuckolls .....	32	8	4,235	11,417	12,414
Otoe .....	4,211	12,345	15,727	25,403	22,288
Pawnee .....	882	4,171	6,920	10,340	11,770
Perkins .....				4,364	1,702
Phelps .....			2,447	9,869	10,772
Pierce .....		152	1,202	4,864	8,445
Platte .....	782	1,899	9,511	15,437	17,747
Polk .....	19	136	6,846	10,817	10,542
Red Willow .....			3,044	8,837	9,604
Richardson .....	2,835	9,780	15,031	17,574	19,614
Rock .....				3,083	2,809
Saline .....	39	3,106	14,491	20,097	18,252
Sarpy .....	1,201	2,913	4,481	6,875	9,030
Saunders .....		4,547	15,810	21,577	22,035
Scotts Bluff .....				1,888	2,552
Seward .....		2,953	11,147	16,140	15,690
Sheridan .....				8,687	6,032
Sherman .....			2,061	6,399	6,550
Shorter .....	117				
Sioux .....			699	2,452	2,055
Stanton .....		636	1,813	4,619	6,959
Taylor .....		97			
Thayer .....			6,113	12,738	14,325
Thomas .....				517	628
Thurston .....		31	109	3,176	6,519
Valley .....			2,324	7,092	7,339
Washington .....	1,249	4,452	8,631	11,869	13,066
Wayne .....		182	813	6,169	9,862
Webster .....		16	7,104	11,210	11,619
Wheeler .....			1,644	1,683	1,362
York .....		604	11,170	17,279	18,205
Winnebago Res. ....		31			
Unorganized .....	1,765	235	2,913		
Total .....	28,841	122,993	452,402	1,058,910	1,066,300

The educational system of Nebraska is perhaps the brightest gem in her diadem, and during the census period referred to, her schools showed a development that was little short of phenomenal. In 1890 the value of school property belonging to the state was, in round numbers, six million six hundred thousand dollars. This had increased to nine million six hundred thousand dollars in 1900, and a goodly portion of the school lands still remained unsold. In 1890 the state university showed an enrollment of 500 students. Ten years later the number had grown to more than 2,200, and during the period about two hundred fifty thousand dollars was expended in the erection of new buildings. Besides the customary collegiate course, the institution embraces a department of engineering; a college of literature; a college of science and arts; an industrial college; a college of law; a college of medicine, and schools of music and art. The state normal school at Peru also showed an increase in the attendance, though not to so marked a degree as the university.

The enrollment in the common schools increased nearly fifty

per cent. The school age is from five to twenty-one years, the attendance being compulsory for children between the ages of eight and fourteen, at least twelve weeks in the year. Of this class ninety-two per cent were enrolled in the year 1900, a larger percentage than in any other state except Vermont, Oregon, Utah and Washington. Less than three per cent of the population over the age of ten years were reported as being unable to read and write, and of the native white population less than one per cent belonged to the category of illiterates. Few countries show an equal record.

From the admission of the state in 1867 the industrial development has gone steadily forward. If there have been no booms, there have been no serious depressions, except those in which the whole country shared. The building of the Union Pacific railroad attracted capital and enterprise to the city of Omaha, and in 1900 that city stood third in the meat packing industry and as a market for live stock. The largest smelting and white lead works in the world were there, besides the Union Pacific railroad shops, covering forty acres, and numerous other manufacturing concerns. The city was also an important jobbing center for the surrounding country. Twelve national banks reported a capital of four million five hundred thousand dollars, and deposits of nearly twenty million dollars.

"Nebraska" is an Indian word signifying "wide shallow water," a description that applies to most of the water-courses of the state. The name has been distorted into "Black Water," and Nebraska is sometimes called the "Black Water" state. But the popular name selected by the people, viz: the "Tree Planters'" state, is one that is particularly applicable, for to Nebraska belongs the credit of originating Arbor day, the observance of which, in connection with irrigation, will in time reclaim the arid lands of the Western plains and render them fit for the habitation of civilized man. Then the "Great American Desert" will be classed with the lost continent of Atlantis, and the children of future generations can lay their hands upon the monument that will some day be erected to the memory of the founder of Arbor day, Julius Sterling Morton, and say: "This man gave us an empire, and nobly have our fathers improved the patrimony. With the motto 'Crescit Eundo' they went forward conquering and to conquer, and our commonwealth has increased by their going."







# State of Wyoming

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Hon. Joseph Maull Carey

*Associate Editor*



# Wyoming

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## CHAPTER I

### Events Preceding the Territorial Formation

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DURING the Mexican war the American forces captured Padre Ortiz while he was engaged in carrying dispatches from New Mexico to General Santa Anna. He told his captors a story, which he said was generally believed by the Mexican padres, of how the Spanish, in the early part of the seventeenth century, had made settlements in the mountainous country seven or eight hundred miles north of Santa Fe. According to this story they had there built houses and fortifications of stone and had constructed arrastres for milling the ores found in the mountains. Every year a train, laden with gold and rich furs, would make its way from these Northern settlements to the South, but about the year 1650 the natives had made war against the Spanish and all but a few were killed. Ortiz had a book which he said contained an account of the affair, but as it was written in Spanish his captors could not read it. Whether the story of the padre be true or not, when General Connor's expedition visited the Big Horn country, in 1865-66, they found ruins of stone structures about fifty miles southwest of Fort Phil Kearney. In one place could be seen traces of what might have been a fort of some extent and in another the outlines of an arrastre could be made out. When some of the early Montana miners visited the Rosebud mountains in 1866, they



found evidences of the mines having been worked long before. Iron tools were indicated by the rust, and the remains of ditches could be plainly seen.

Some authorities say that when Verendrye visited the Rocky mountains, in 1743-44,\* he went as far south as the Wind River range, where the party established friendly relations with the Shoshone Indians. The war between France and England transferred the fur trading country to the latter and only occasional French expeditions were undertaken thereafter. For a half century after Verendrye no organized effort was made to explore the region in what is now the state of Wyoming. After the Louisiana purchase in 1803, the government sent out expeditions, under Lieutenant Pike and Captains Lewis and Clark, to learn the character of the newly acquired territory. None of these expeditions touched Wyoming; but, as that of Lewis and Clark was returning from the Pacific, a man named John Colter left the party near the mouth of the Yellowstone river and went back toward the mountains. That was in the fall of 1806. Near Pryor's fork he fell in with two trappers named Hancock and Dickson who had come from the Illinois country two years before. The party wintered near the source of Pryor's fork and the next spring Colter pushed his way west to Clark's fork. Following that stream toward its source he went through the Stinking Water pass and was probably the first white man to set foot within the limits of what is now the Yellowstone National park. After wandering about all summer, going as far south as the headwaters of the Green river, he returned in the fall to the Stinking Water and made his way back to the camp of the winter before. He made a map of the country over which he traveled, and turned it over to the government. It was published some six or seven years afterward and, although it is incomplete when compared with those of later surveys, it gave a tolerably accurate description of the region.

About the year 1807 the Missouri Fur Company established a fort and trading post at the mouth of the Big Horn river. Notwithstanding this post was some seventy-five miles north of the present northern boundary of Wyoming the hardy trappers, working up the Big Horn river and its tributaries in search of beaver, found many of their peltries in what is now Big Horn and Fremont counties and the Wind river Indian reservation.

Lewis and Clark had taken with them to Washington, in

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\* See the general history.

1806, a Mandan chief and his family. In the following spring the government sent Ezekiel Williams, with a small party, to return the chief to his tribe. After the object of their mission was accomplished Williams and his men decided to spend the remainder of the season in trapping. They therefore proceeded on up the Yellowstone until they were driven out by the warlike Blackfeet, five of the party being killed in a skirmish with the Indians. Williams then concluded to go to the Pacific slope and traveled southward looking for the South pass. This took him across to Wyoming where he wandered among the mountains until the spring of 1808, when he struck the headwaters of the South Platte and following that stream eastward, returned to the States.

Reports of all these early expeditions are vague and unreliable. In 1811 Wilson Price Hunt, an employe of the American Fur Company, led a party across the continent to establish the trading post at Astoria. Among those comprising the party were Robert McLellan, Donald McKenzie and Edward Robinson. McLellan had been a soldier under Gen. Anthony Wayne in his wars with the Indians, and Robinson was a veteran Indian fighter from Kentucky. He was then past sixty years of age and in one of his fights with the Indians south of the Ohio river he had lost his scalp. For this reason he always wore a handkerchief tied round his head. They came up the Missouri river to the Big Cheyenne, which they ascended to its source, and then struck out westward. When they reached the Big Horn mountains they turned south in search of grass for their stock, crossed the Wind river mountains and struck the headwaters of the Snake river, down which they traveled to the Columbia.

In 1823 or 1824 Gen. William H. Ashley, with a little party of trappers, ascended the Platte river to the South pass, crossed the mountains to the Green river,\* and finally established a post at Utah lake. Next came Robert Campbell, William and Milton Sublette, Jedediah Smith and James Bridger, who joined with Ashley in organizing a company that in 1830 became known as the Rocky Mountain Fur Company.

In 1832 Capt. B. L. E. Bonneville, without obtaining leave of absence from the army, organized a company of one hundred and ten men to trap and prospect in the Rocky mountains. The route selected was up the Platte river. With twenty wagons, drawn by oxen and laden with provisions, ammunition, and goods

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\* Prior to this time the stream had been known as the Spanish river. It is said that Ashley gave it the name of Green river after one of his company.

for traffic with the Indians, he went through the South pass into the Green river valley. There he built a fort at the mouth of Lead creek but soon afterward evacuated it and went on to the Salmon river. Bonneville's fort was the first establishment of its kind within the present limits of Wyoming. Although he did not permanently occupy it after it was built, he remained three years in the mountains, fighting the Indians or trading with them according to their humor. He spent the summer of 1833 on the Big Horn and Powder rivers.

The oldest permanent settlement in Wyoming is that of Fort Laramie which was erected by Robert Campbell in 1834. It was first called Fort William, after William Sublette, Campbell's partner in the fur trade. Soon after its completion a trapper named Laramie was killed on the upper waters of the stream bearing that name and Campbell conferred upon the fort the name of the unfortunate trapper. It is thus described by Col. A. G. Brackett, of the United States army: "The fort was a quadrangular structure, built of large, heavy, sun-dried bricks, or adobes, after the fashion of the Mexicans, who built the fort, or assisted in doing so. The walls were about fifteen feet high, surmounted by a wooden palisade, forming portions of ranges of houses which entirely surrounded a yard of about a hundred and fifty feet square. Every apartment had its door and window—all, of course, opening on the inside. There were two entrances opposite each other, and midway of the wall, one of which was a large and public entrance; the other smaller and more private—a sort of postern gate. Over the great entrance was a square tower, with loopholes, and, like the rest of the work, built of adobes. At two of the angles, and diagonally opposite each other, were large square bastions, so arranged as to sweep the four faces of the walls. . . . The original fort disappeared some years ago, but the adobes of which it was made were preserved and made over into the magazine of the present fort."

Fort Laramie continued to be a post of the American Fur Company until 1849 when it was sold to the United States government.

Fort Bridger was the second permanent settlement in Wyoming. It was established in 1842, by James Bridger, an old trapper and mountaineer, who sometimes laconically remarked that he came to the country when Laramie peak was only a small hill. It was located on Black's fork of Green river, in the southwestern part of the state, in what is now Uinta county. Bridger occupied the fort until 1854 when he sold out to the Mormons.

The following year the new owners spent about ten thousand dollars in the improvement of the place. A boulder wall, fourteen feet high, was built around an enclosure one hundred feet square, and a cattle corral was constructed. Two years later Col. Albert Sidney Johnson, with a force of United States troops, was sent to invade Salt Lake valley. At his approach the Mormons destroyed everything they could and evacuated the fort. Lieut. Col. William Hoffman, with several companies, was left in possession and set about the work of rebuilding. During the summer of 1858 the fort was practically reconstructed and became the property of the government.

About the year 1833 a company of trappers and traders, under the leadership of Sabille Adams, began a fort, which was to be called Fort Platte, at the mouth of the Laramie river. For some reason the fort was never finished and after a year or so was entirely abandoned.

From 1834 to 1839 several parties of missionaries passed through Wyoming on their way to the Western slope. In one of these parties were Mrs. Whitman and Mrs. Spaulding who were doubtless the first white women ever in the state. In 1840 P. J. De Smet, a Jesuit priest, whose life work was among the North American Indians, visited the Big Horn country. He discovered and named Smet lake, and was the first to note the indications of gold in the mountains and along the streams of Wyoming.

Twenty-one men under Lieut. John C. Fremont, with Kit Carson as guide, left St. Louis in May, 1842, to explore the Rocky mountains. From the Missouri river Fremont ascended the Platte and reached Fort Laramie about the middle of July. Following the road made by trappers he went up the Sweetwater river and through the South pass. This pass had been known to the fur traders for years, but Fremont was the first to officially report its existence to the government of the United States. About the middle of August he ascended the highest peak in the Wind River range, fixed a ramrod in a crevice of the rocks, unfurled from it the stars and stripes, and named the mountain Fremont's peak.

An act was passed by congress, in May, 1846, for the establishment of military stations along the Oregon trail. Under the provisions of this act Fort Kearney, Nebraska, was established in 1848, and Fort Laramie was purchased in 1849. After the fort became the property of the United States it was garrisoned by two companies of cavalry and one of infantry, under the com-



mand of Maj. W. F. Sanderson. A trading house was established near the fort by Ward & Guerrier, and a few white men settled in the neighborhood. The discovery of gold in California in 1849 brought the Platte river and South pass route into popularity, and one could look up or down the river from Fort Laramie at almost any hour in the day and see a train of canvas-covered wagons headed westward. Not all those who passed the fort were bound for California, however. In 1848 nearly 2,400 Mormons went through on their way to Salt Lake, and about 1,500 went through in 1849. During the year 1850 about 40,000 animals of all descriptions crossed the river at Fort Laramie.

On September 17, 1851, a treaty was made at Fort Laramie with the different bands of Sioux, the Arapahoes and the Cheyennes of the North Platte. In consideration of certain lands, lying farther east, being ceded to the United States all that part of Wyoming east of the Big Horn mountains was given them for a home and a hunting ground. Belonging to the several tribes were between 5,000 and 6,000 warriors and the government, relying on the Indian promises made in the treaty, reduced the garrison at Fort Laramie to a force of less than fifty able-bodied men. When the Indians learned of the meager force at the fort they ignored their treaty obligations, grew insolent, and refused to obey the post regulations. One of the rules, and one which seemed to be particularly distasteful to the Indians, was that requiring them to retire from the fort at night. Physical force was often necessary to enforce this regulation and the insulted braves thus ejected longed for an opportunity to avenge the indignity. The crisis came in August, 1854. About the middle of that month several hundred Brule, Ogallala and Minneconjou Sioux gathered at Fort Laramie to receive their annuities. They were ordered into camp on the Platte river a short distance below the fort. On the 18th a Mormon emigrant train, on its way to Salt Lake, halted near the Indian encampment. Being short of meat the Indians took advantage of the opportunity to provide a supply. An ox belonging to one of the Mormons was stolen and killed. The owner made complaint to Lieutenant Fleming, the post commander, who promised to recover the ox if it was possible to do so. About the same time the head chief of the Brules presented himself at the fort and explained that it would be impossible to return the ox, as it had already been killed and the greater part of it eaten, but offered to pay the owner for it. This was not altogether satisfactory

and Lieutenant Fleming determined to establish a precedent by arresting the Indian who had stolen the ox. Accordingly he sent Second Lieutenant John L. Grattan, with twenty-nine men and two howitzers to make the arrest. That is where Fleming made a mistake. Such an undertaking should have been entrusted only to an experienced officer. Grattan was a young man who had come from West Point but a few months before, and being a native of Vermont he knew but little of the Indian character. When the party arrived at the Indian camp the chief said the thief could not be found and again offered to pay for the stolen ox. Grattan ordered the howitzers loaded in the presence of the Indians and informed the chief that the offender must be delivered within a certain time or he would order his men to open fire. Meantime the Indians were gathering in force and taking positions that would enable them to surround the whites at a moment's warning. At the expiration of the given time Grattan ordered the twelve pound howitzer to be fired. In his haste the gunner failed to take good aim and the shot went over the heads of the savages. The fire was instantly returned and in a few minutes Grattan and twenty-eight of his men were cold in death. The twenty-ninth man managed to escape badly wounded and carried news of the disaster to the fort. He died two days afterward. This was the first serious trouble with the Indians in Wyoming.

Immediately after the affair the government strengthened the garrison at Fort Laramie, placed Maj. William Hoffman in command, and sent General Harney with 1,500 men against the the Brules. In September Harney destroyed the Brule village of Little Thunder, on Blue Water creek, Nebraska, killing a large number of the Indians. The prompt punishment had a salutary effect upon the Sioux and no more trouble was experienced for several years.

During the next five or six years several expeditions sent out by the government with various objects in view, passed through Wyoming. In 1857 William McGraw secured a contract to open a road from Fort Laramie westward through the South pass. From the fort the road followed up the right bank of the Platte to a short distance below the mouth of Poison Spring creek where it crossed the river, ran along the left bank to the mouth of the Sweetwater, and followed that stream to the pass. It was nothing more than the old emigrant road that had been traveled by thousands during the fifteen years preceding. The next year Capt. J. H. Simpson opened a road from Fort Bridger

to Camp Floyd. In 1859 Capt. W. F. Reynolds, of the topographical engineers, explored the country along the Powder and Big Horn rivers and crossed over to the headwaters of the Yellowstone. From there he passed through what is now the Yellowstone National park and struck the headwaters of the Missouri. A military escort, under Lieutenants Maynadeer and Lee, and a scientific corps, in charge of Dr. F. V. Hayden, accompanied the expedition. The reports of Reynolds and Hayden gave the country the first intelligent information regarding the character of the country.

Gold was discovered in the mountains of Montana in 1852 and in the Pike's peak country in 1858. Directly between them lay Wyoming and prospectors cast many longing glances in the direction of the Big Horn mountains, where it was believed gold could be found. Rumor said that gold had been found there by one of the men connected with the Reynolds expedition, but that the captain had commanded him to keep silent on the subject lest the men desert the expedition and go to mining. Several attempts were made in the early sixties to prospect the range but without success owing to the hostile attitude of the Indians. A party of five French Canadians started from the Sweetwater for the Big Horn mountains in the spring of 1862 but nothing was ever heard of them afterward. The next year a party of miners from Bannack City, Mont., ascended the Big Horn river and, after losing several of their number in brushes with the Indians, finally reached Fort Bridger. They returned to Montana, unsuccessful in their search but satisfied that some day gold would be found in the country. Two more companies from Montana tried prospecting the following year but with no better results. A year or two later four companies from Idaho, numbering in all 245 men, explored the Big Horn and Wind River mountains, and prospected about the sources of the Wind river, the Yellowstone and Snake rivers, and the Stinking Water, but found no prospects worth working.

Early immigrants to the Montana mines had to go either up the Missouri river or overland by way of the South pass. Whichever route was chosen it was a roundabout way. To overcome this difficulty the Bozeman road was opened. It left the Platte river road at the old bridge, near the mouth of Sage creek, and ran along the east side of the Big Horn mountains to Bozeman, Mont. Most of the way was through Indian country and the natives looked upon its establishment as a trespass upon their rights. Nominally the Powder river country belonged to the

Crows but in the spring of 1865 the Sioux and Cheyennes got control and vigorously opposed the opening of the road. The authorities at Washington were inclined to discredit the reports of hostilities. The forces at all the posts were reduced to a peace basis, and a commission was sent out to negotiate with the Indians for a right of way through the disputed territory. Councils were held at Fort Sully, Dakota territory, from October 10 to 28, with the Minneconjous, Two Kettles, Lower Brules, Blackfeet, Sans Arcs and Ogallalas, and some of the chiefs signed an agreement to not interfere with the opening of the road. The commission retired, apparently well satisfied with its work, though only three chiefs belonging to the Ogallalas, Long Bull, Charging Bear, and Man-who-stands-on-a-hill, signed the agreement, and they were chiefs of little or no influence with the tribe. Likewise only three chiefs of the Lower Brules signed. They were Spotted Tail, Standing Elk, and Swift Bear. Although Spotted Tail was the head chief of the Lower Brule band he was unable to control the actions of his young men. Hundreds of them disdained his authority and joined Red Cloud, the leader of the hostile forces. In a short time Spotted Tail's following numbered less than a hundred lodges. General Connor was sent into the Powder river country to punish the Indians who had refused to treat with the commissioners. He had a reputation among the Indians as being a great fighter and it was hoped that this would help him to clear the way for the construction of the much desired highway. At the point where the proposed road crossed the Powder river he erected Fort Reno which was about all he accomplished.

In the spring of 1866 the commission renewed its labors in the hope of getting more chiefs to enter into the agreement made at Fort Sully the preceding October. It located at Fort Laramie and messengers were sent out to the different Indian villages to summon the chiefs to a council at the fort. Col. N. G. Taylor, one of the commissioners, made all sorts of promises to induce the Indians to come in and after a somewhat vexatious delay a number assembled at the fort to hear what the commissioners had to say. This was in June. In the meantime a new military district had been created and Col. H. B. Carrington placed in command. Fort Casper had been built on the Platte river near the present site of the town of Casper, and in the spring of 1866 Carrington was ordered up from Fort Kearney, Nebraska, with 2,000 men, to garrison the old posts and establish new ones. While the council was in progress the new district commander arrived at



Fort Laramie. With a force of eight companies, most of whom were raw recruits, he set out for the Powder river country. Red Cloud and Man-Afraid-of-his-Horses immediately withdrew from the council and gathering about 400 warriors started in pursuit of the expedition. When General Connor built Fort Reno he left there a supply of stores, guarded by one company under Captain Proctor. Carrington strengthened the garrison there and with his reduced force moved on to the Big Horn country, where it was his intention to establish district headquarters. On July 14 he reached Piney creek, on the east side of the Big Horn mountains, near the present boundary between Johnson and Sheridan counties. Selecting the little plateau between the Big and Little Piney he staked off the design of a fort which was to be called Fort Phil Kearney after the cavalry officer of that name. Before the work of building had fairly begun a deputation of the Indians under Red Cloud arrived and Carrington was notified that no new posts were to be established in the country. Carrington paid no heed to the warning and went on with the work. The plan of the fort contemplated a stockade of logs, about eighteen inches in diameter and twelve feet long, enclosing a space six by eight hundred feet. Inside this stockade there were forty-two buildings—barracks, officers' quarters, stores, stables, etc. To construct a fort of such dimensions was no small undertaking. From the very first the Indians did all they could to harass the men and delay if not prevent the construction of the fort. On the 17th the herd of horses at the post was stampeded and in the effort to recover them two men were killed and three wounded. Besides having a force composed mainly of raw recruits, Carrington labored under the further disadvantage that his men were poorly armed with old-fashioned, muzzle loading guns, while the Indians were supplied with fire-arms of the most approved pattern. Under the circumstances he resolved to ask for reinforcements. On July 29 he telegraphed the adjutant-general of the army to send him more men, better rifles, and a supply of ammunition. Two days later he asked Gen. P. St. George Cooke to send him reinforcements. None were sent, however, and on August 3 his little army was still further reduced by the detachment of two companies that were sent to establish Fort C. F. Smith, about ninety miles northwest on the line of the Bozeman road.

Yet, in the face of all these difficulties, the work of building Fort Phil Kearney went bravely on. While some cut logs, others stood guard. The men sent out to cut wood went with their guns because the wood trains were frequently attacked. A short distance southeast of the fort was a hill that commanded a good view

of the surrounding country. During the day time Carrington kept a picket on the top of this hill to observe the movement of the Indians. From this fact the elevation became known as Pilot Hill. After the departure of the two companies for Fort C. F. Smith the Indians grew bolder. The picket on Pilot Hill was sometimes driven in. The wood trains were attacked with more vigor and a few individuals who were so unfortunate as to be cut off from the main body of the train were never heard of again, being either shot or tortured. Thus matters went on until the last day of October, when Fort Phil Kearney was pronounced complete and the national colors floated for the first time from the tall flag-staff inside the stockade. The men rejoiced that their labors were over and hoped that they would now be sent out to get revenge out of the savages. Lieut. Col. William J. Fetterman, to use his own expression, was "just spoiling for a fight." The opportunity came on December 6. A wood train was attacked about two miles from the fort. Fetterman was sent out with 35 cavalry and 25 mounted infantry to rescue the train. The Indians fled as Fetterman came up and the mounted troops pursued them for about five miles, killing or wounding several of their number. At last the Indians made a stand and Fetterman, fearing that a larger body was near at hand, retreated to the fort.

On the 21st a party of eighty or ninety men was sent out to get some timbers for the purpose of making some changes in the fort. A little while before noon the picket on Pilot Hill signaled the fort: "Many Indians on the wood road; train corraled and fighting." Colonel Fetterman asked and obtained permission to go to their relief. Lieutenant Grummond and Capt. F. H. Brown, who had been quartermaster at the fort ever since its establishment, volunteered to join the relief party. Two frontiersmen named Wheatley and Fisher, who happened to be at the post at the time, also volunteered. Fetterman left the fort with eighty-four men. Instead of going straight to the train he made a slight detour to the north, behind a range of hills, intending to take the Indians in the rear. His plans were defeated by the Indian pickets who retired as he approached and doubtless informed the main body of his movements. It was just about twelve o'clock when he saw a few Indians in front, retiring over the ridge and gave the order to charge. Over the hills went that little band to certain death, for on the other side were two thousand warriors waiting to receive them. Those at the fort heard the rattle of musketry for a few minutes; then all was still. Anxiety increased as the moments dragged along. What had happened?

A small party was sent out to reconnoiter and report. In a

little while it returned with the intelligence that the train was all right but that Fetterman was on the other side of the ridge surrounded by a large body of Indians. Captain Ten Eyck, with seventy-six men, was sent to Fetterman's assistance. It was about one o'clock when he reached the ridge beyond which the fighting was going on. Just before arriving at the summit a single shot was heard. All was over. Looking down into the valley not a white man was to be seen; nothing but a mob of yelling savages motioning them to come down and meet the fate that had befallen their comrades. A sergeant was dispatched to the fort for a howitzer but it was deemed best not to send it. As the Indians withdrew Captain Ten Eyck went cautiously down into the valley. Within a space about eighty feet square lay the bodies of Colonel Fetterman, Captain Brown, and sixty-five of the men.\* Behind a pile of rocks were found the bodies of the two frontiersmen, Wheatley and Fisher. By their sides were a large number of empty shells, while in front of the rocks could be seen more than sixty blood spots on the ground, and the bodies of ten dead ponies. They evidently sold their lives as dearly as possible.

Wagons were brought and forty-nine bodies were taken to the fort. The rest were found the next day and all were buried in a trench fifty feet long. What happened after Fetterman crossed the ridge will never be known for not a man was left to tell the tale. The Indians said the massacre was the work of a special expedition, organized to kill all and burn the fort. The plan was to decoy the soldiers out in small parties at a time and massacre them, until the force at the fort was reduced so low that it could be stormed and destroyed. The plan was said to have been concocted by High Back Bone, the head chief of the Minneconjous, though several bands were represented in its execution. Such was the massacre of Fort Phil Kearney, the news of which horrified the country and caused many unpleasant comments upon the government policy. Had reinforcements been sent to Colonel Carrington when he asked for them; had his men been supplied with a better class of arms, and the stock of ammunition been large enough to enable him to act on the offensive, this sad story might never have been told. But even after the massacre Indian Commissioner Bogy clung to his cherished theory that the Indians were not hostile. He was satisfied in his own mind that the Indian force was small though he found it difficult to account

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\* It is said that bullet holes in the temples of both Brown and Fetterman had been fired at such close range that the hair and skin were powder-burned, indicating that they had killed themselves, as they had frequently said they would, rather than fall into the hands of the Indians.

for the death of so many men at the hands of a few straggling, discontented savages. On this point he said: "I regret the death of so many brave soldiers, yet there can be no doubt that it is owing to the foolish and rash management of the officer at that post."

Early in January, 1867, district headquarters were removed to Fort Casper and General Wessels succeeded Carrington at Fort Phil Kearney. Notwithstanding Commissioner Bogy's theory, two companies of cavalry were added to the garrison, the men were supplied with breech-loading rifles and plenty of ammunition. Hostilities reopened with the coming of spring, and instead of sending enough armed men to "conquer a peace," congress sent another commission to try the old experiment of trying to bribe the Indians to be good, and appropriated \$300,000 to buy presents for them. A treaty, profuse in promises, was drawn up, signed by a few inconsequential chiefs, and that was the extent of their accomplishments that year. Numerous Indian depredations were committed during the summer. Stages and emigrant trains were attacked almost daily and by the first of June overland travel was suspended; government surveys discontinued, and thirty thousand dollars worth of government property, on the way to Fort C. F. Smith, was destroyed. The seat of war was still about Fort Phil Kearney. Every time a party went out of the fort, for any purpose, it was almost certain to be attacked. On August 2 Major Powell was sent out with a detachment to guard the wood train. Powell divided his forces, leaving thirty men in a corral composed of fourteen iron wagon bodies, with instructions to the others to retreat to the corral in case they were attacked and could not hold their own against the enemy. South of the ridge known as the Sullivan Hills the train and its escort were attacked by a force of about 800 warriors. The men hurried to the improvised fort, reached it in safety, and prepared for their defense. On came the blood-thirsty savages, thinking to repeat their success of the previous December. In this they were destined to be mistaken. There were no short range, muzzle loading guns in that corral, but repeating rifles, held by hands that were steady and guided by eyes whose aim was unerring. When the yelling, screeching horde arrived within easy range there poured from that fort of wagon bodies a fire so deadly that even the most intrepid of the Indians could not stand before it. They turned and fled in confusion, seeking shelter in the woods, but in a little while they were reinforced by 1,200 warriors and the attack was renewed, led this time by the invincible Red Cloud in person. Think of two thousand howling savages around thirty



men protected only by a thin sheet of iron! Again all was quiet in the little corral until the Indians came within easy range. This time they were so closely massed that aim was unnecessary. It would have been next to impossible to miss them. Again they broke and fled before that awful rain of lead. For three hours they tried to dislodge the little band shielded by the wagon bodies. The ground was strewn with Indians and ponies either dead or dying. At last the savages withdrew and the soldiers returned to the fort having lost three killed and two wounded. The Indian loss was never learned. A chief told Colonel Dodge that it was more than eleven hundred but this is not likely. It was so great, however, that the Indians always referred to it as the "medicine fight" believing the whites used some kind of supernatural agency to produce such death dealing results. Fetterman was avenged!

The treaty that had been drawn up by the commissioners in the spring of 1867 had been left with the commander of Fort Laramie to receive the signatures of other chiefs. In May, 1868, a band of Ogallalas visited the fort and the two chiefs in the party were persuaded to sign the treaty. They were then given a bountiful supply of clothing, blankets and provisions, and, what they desired more than all the rest, guns and ammunition. The news soon spread and other Indians flocked to the fort to sign the treaty. It was a victory for the peace party. The commissioners decided that the government had no right to establish posts in the Big Horn country, and this decision influenced other chiefs to sign. Red Cloud was somewhat skeptical, as to the promises of the commissioners, and withheld his signature until November to see if those promises would be kept. Spotted Tail did not sign at all. In August the treaty was complete, the forts along the line of the Bozeman road were abandoned, the crest-fallen troops marched out of the country, and the forts were burned by the Indians.

In spite of the Indian hostilities people continued to emigrate to the Western country. All that part of Wyoming lying east and south of the North Platte river was ceded to the United States by the Arapahoes and Cheyennes of the Upper Arkansas, at Fort Wise, Kansas, in February, 1861. Settlers could go upon that portion of the territory without fear of being molested, but not until the completion of the Union Pacific railroad as far west as Cheyenne did much population seek Wyoming with their flocks. From that time the country commenced to grow. Prospectors had never abandoned the idea that gold existed in the Wind River and Big Horn mountains and scarcely a month passed

that some new party of adventurers did not make the attempt to locate the auriferous deposits. In the summer of 1867 one of these parties, led by Frank Marshall, Noyes Baldwin, Harry Hubbell and Richard Grace, found gold on the Upper Sweetwater, and staked off the first mining claims in Wyoming. The mine discovered at that time was the Carido lode. Others came and in a few weeks there had been located the Atlantic Ledge; the Miners' Delight; King Solomon; Northern Light; Jim Crow; Lone Star State, and several other mining properties. By the first of October there were nearly eight hundred people on Willow creek and in the neighborhood of South pass. South Pass City was laid out in that month and soon became the center of attraction for gold hunters.

About the middle of July, 1867, William Larimer completed the first house in the city of Cheyenne. On the 22nd of the same month the Union Pacific Railroad Company sold the first lots in the future capital of Wyoming. Lots 66 by 132 feet brought, at that sale, one hundred fifty dollars. Within thirty days the same lots sold for one thousand dollars and before cold weather some of them brought two thousand five hundred dollars. Toward the last of September Rogers & Co. opened the first bank in the place. It was a branch of the First National of Denver. At the time it began business, there was not a suitable building in existence, so the safe was placed in a tent until November 1. By the first of January the bank had deposits amounting to one hundred thousand dollars. On November 13 the Union Pacific track was completed to Cheyenne and the next day the first passenger train arrived from Omaha. On September 19 N. A. Baker issued the first copy of the *Cheyenne Evening Leader*, and on October 25 L. L. Bedell began the publication of the *Daily Argus*. At that time the territory of Wyoming had no existence. Cheyenne was in Dakota territory. A meeting was held in the latter part of September, to take steps to secure the organization of a county, and J. R. Whitehead was sent to Yankton to present the claims of the new settlement to the Dakota legislature. The result of his efforts was the creation of Laramie county. In the spring of 1868 there were fifteen hundred buildings in Cheyenne, a fact that caused it to be called the Magic City of the Plains. During the winter the lawless element gained the ascendancy and for a time run things with a high hand. Theft, assault and lewdness were common and the authorities were unable to do any thing to better the conditions. In January the vigilance committee was organized and within four months

about a dozen of the worst characters in the town were hanged or shot by the committee. This had a salutary effect upon those remaining. In April, 1868, the railroad company laid off Laramie City and opened an office for the sale of lots in that municipality. Within two weeks the town had a population of 2,000, many of whom were the dissolute individuals run out of Cheyenne by the vigilance committee. This necessitated the organization of a similar committee at Laramie City, and again the rowdy element was compelled to move on.

The rapid settlement of the country made some military protection necessary, and in the fall of 1867 Fort D. A. Russell, three miles west of Cheyenne was erected and in the spring of 1868 Fort Fred Steele was established on the Platte river, near Bridger's pass. The same year Fort Sanders was built near Laramie City. On May 7 a treaty was made at Fort Laramie with the Crow Indians. They relinquished their title to all that part of Wyoming bounded by the Powder river, Rattlesnake and Wind River mountains and the Yellowstone river, and accepted a reservation in Montana.\* On the third of July a council was held with the Shoshone and Bannock Indians. The result of the council was the cession of all their lands, except the Wind river reservation. The lands in Wyoming, that were opened to settlement by this treaty, include all that part of the state lying west of the Yellowstone river, the Wind River mountains, the Sweetwater, beginning at the source of the east fork, and the North Platte.

As early as the year 1865 a bill to organize a separate territory, or at least to provide a "temporary government for the Territory of Wyoming" was introduced in congress. Nothing was done with the matter until the congress of 1867-68. When that congress assembled the delegates from Dakota presented a memorial asking for a new territory to be organized in the Southwest and that it should be called Lincoln. A petition from the people of the section, in which it was proposed to organize the new territory, was presented by H. Latham who signed himself "Agent for the people of Wyoming." The bill of 1865 was revived, amended, and finally passed in the spring of 1868. On July 25 the president signed the bill and the territory of Wyoming came into existence.

Although President Johnson approved the bill creating the territory and appointed officers for the new political division, they

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\* See the history of Montana for full account of the Crow treaties and cessions.

were not confirmed by the senate, owing to the political conditions. That duty was left for President Grant. In April 1869 John A. Campbell, of Ohio, was appointed governor; Edward M. Lee, of Connecticut, secretary; Joseph M. Carey, of Pennsylvania, United States attorney; Church Howe, of Massachusetts, United States marshal; John M. Howe, of Illinois, chief justice; William T. Jones, of Indiana, and John W. Kingman, of New Hampshire, associate justices. Early in May the territorial officers arrived at Cheyenne and on the tenth of that month the territorial government was organized.



## CHAPTER II

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### The Territorial Administrations

JOHN ALLEN CAMPBELL, the first governor of Wyoming territory, was born at Salem, O., October 8, 1835. His education was obtained mainly in the common schools of his native town, for while still a mere boy he started in to learn the printing business, and followed it until the breaking out of the Civil war. In April, 1861, he assisted in raising a company, of which he was made second lieutenant, and entered the three years service. He remained in the service of the army until September 1, 1866. In November, 1862, he was promoted to the rank of major. Soon afterward he was transferred to the staff of General Schofield, where he remained until the close of the war. For "courage on the field and marked ability and fidelity" he was promoted to colonel and brevetted brigadier-general in March, 1865. Upon being mustered out of the army he became the assistant editor of the *Cleveland Leader*, but left the paper in October, 1867, to accept a commission as second lieutenant in the Fifth United States artillery. In the regular army he rose rapidly to be first lieutenant, then captain, major and lieutenant colonel, which last position he resigned in 1869 to become governor of Wyoming. He was reappointed governor, in 1873. In 1875 he resigned the office of governor to accept the position of third assistant secretary of state under Secretary Fish. His health began to fail in 1877, and in the hope that a change of climate would be beneficial, he accepted the consulship to Basle, Switzerland, but he was compelled to give it up in a few months and return to the United States. He never regained his health and died at Washington, D. C., July 15, 1880.

On May 10, the very day the territorial government was organized, a war party of Sioux Indians made a raid into the

Wind River valley, killed four white men and drove away a number of horses and mules belonging to the settlers. Governor Campbell's first official act, therefore, was to call for troops to suppress the outbreak. The department commander sent two companies, one of cavalry and one of infantry, a force entirely insufficient to cover the territory over which the Indians were marauding. On July 3 another raid was made and some stock stolen, but nobody was killed. The third foray came on the 14th of September. Four whites were killed but the troops were near enough that time to go to the rescue and the Indians were driven off with some loss. On the 28th, three miners near Atlantic City were killed while at work. The Indians then started in to raid the mining settlements but the governor got a supply of arms and ammunition from Fort Bridger and placed them in the hands of the miners for their protection. The Sioux found out that the men were well supplied with arms and withdrew.

On May 19, Governor Campbell issued his first proclamation, dividing the territory into judicial districts, and fixing the times and places of holding courts.\* Toward the latter part of May a census was ordered, but the work was not completed until the last of July. On August 2, the governor ordered the first election for members of a territorial legislature and a delegate to congress. The election was held on the first Thursday in September.

Stephen F. Nuckolls and William W. Corlett were the opposing candidates for delegate and the former was elected by a vote of three thousand three hundred and seventeen to one thousand nine hundred and forty-nine. By the organic act the number of legislators was fixed at nine councilmen and thirteen representatives, which might be increased afterward to thirteen of the former and twenty-seven of the latter. Those elected to the first council were J. R. Whitehead, T. D. Murrin and T. W. Poole, of Laramie county; W. H. Bright, George Wardman and W. S. Rockwell, of Carter county; Frederick Laycock and James W. Brady of Albany county, and George Wilson of Carbon county. The house of representatives was made up of: J. C. Abney, Posey S. Wilson, Herman Haas, Howard Sebree, S. M. Curran, J. M. Freeman, Louis Miller, John Holbrook, J. N. Douglas, J. C. Strong, Benjamin Sheeks, William Herrick and James Menafee.

Immediately after the election the governor issued a proclamation for the legislature to meet at Cheyenne on the 12th of October.

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\*A supplementary proclamation, relating to the same subject, was issued on June 9, and the first term of court ever held in the territory was at Cheyenne on September 7.

When the assembly was convened the council was organized by the election of W. H. Bright, president, and Edward Orpen, secretary. In the house S. M. Curran was chosen speaker and L. L. Bedell chief clerk. The early part of the sixty day session was taken up with the arrangement of codes of civil and criminal procedure. The two codes were adopted and on December 10 the laws of Dakota were repealed, the act to take effect at the beginning of the new year, and not to affect any rights acquired under the Dakota laws, nor any actions at law in process of adjudication. At the time Wyoming territory was created by the act of congress it contained four counties that had been created by the Dakota legislature. The first Wyoming assembly re-established Laramie, Albany and Carbon counties, changed the name of Carter county to Sweetwater, and created the county of Uinta, extending from north to south, across the western part of the territory. A territorial seal was adopted; the right of suffrage was extended to women; several territorial roads were ordered, and new judicial districts were established.

The territorial seal has been thus described: "On its face a Norman shield, on the upper half of which was emblazoned mountains, with a railroad train, the sun appearing above the horizon, and the figures 1868 below the middle point of the shield. On the first quarter below, on a white ground, a plow, pick, and shovel, and a shepherd's crook. On the second quarter, on a red ground, was an arm upholding a drawn sword. The motto 'Cedant arma toga' surmounted the shield and the whole was encircled by the words 'Great Seal, Territory of Wyoming.'"

Among the miscellaneous acts passed was one locating the territorial capital at Cheyenne. Another provided for an election on the first Tuesday in September of each year. In the even numbered years, beginning in 1870, a delegate to congress was to be chosen. In the odd numbered years, beginning with 1871, members of the legislature and county officers were to be elected. In August, 1870, the Republicans held a convention and nominated Justice W. T. Jones for delegate to congress. A few days later the Democrats selected John Wanless as their candidate and a lively campaign followed. Jones was elected, receiving one thousand seven hundred and fifteen votes to one thousand four hundred and eighty-seven for Wanless. A great many women voted at this election, exercising the right conferred on them by the general assembly.

Other states watched, with curious eyes, the experiment, as it was being tried in Wyoming, of giving the women equal political

power with men. Early in March, 1870, a grand jury consisting of both men and women was empaneled at Laramie City. In dismissing that jury at the close of the term Chief Justice Howe said: "To those ladies who are members of the grand jury, the Court also deems it but justice to say that by your intelligent, faithful and conscientious discharge of duty, as well as by your great propriety of conduct, you have realized the just expectations of those who saw fit to confer upon you the right to participate in the administration of justice. If future grand juries in this county shall follow the example you have set, assurance will be thereby given to all, that crime and immorality will no longer be winked at, but that all offenders will be brought to justice, and that law and the courts may be relied upon for the protection of the people."

Sometime afterward, in writing of women jurors, the same judge said: "With all my prejudices against the policy, I am under conscientious obligations to say that these women acquitted themselves with such dignity, decorum, propriety of conduct, and intelligence, as to win the admiration of every fair minded citizen of Wyoming. They were careful, painstaking, intelligent, and conscientious. They were firm and resolute for the right as established by the law and the testimony. Their verdicts were right, and, after three or four criminal trials, the lawyers engaged in defending persons accused of crime began to avail themselves of the right of peremptory challenge to get rid of the women jurors, who were too much in favor of enforcing the laws and punishing crime to suit the interests of their clients. After the grand jury had been in session two days, the dance-house keepers, gamblers, and demimonde, fled out of the city in dismay, to escape the indictment of women grand jurors. In short, I have never, in twenty-five years of constant experience in the courts of the country, seen more faithful, intelligent, and resolutely honest grand and petit juries than these."

The election of Justice Jones to congress left a vacancy on the bench which was filled by the appointment of J. W. Fisher,\* Chief Justice Howe resigned soon hereafter and Fisher was made chief justice and United States Attorney Joseph M. Carey, was appointed associate justice. Edward P. Johnson was appointed to the place left vacant by Carey's promotion to the bench.

In the organization of the council at the second session of the legislature, which met on November 2, 1871, S. F. Nuckolls was

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\* Secretary Lee was succeeded, March 2, 1870, by Herman Glafcke.



elected president of the council, and Benjamin Sheeks, speaker of the house. An act was passed to repeal the act giving women political equality, but it was vetoed by Governor Campbell and its friends could not control a sufficient number of votes to pass it over the veto. B. F. Hatch, P. L. Smith and William Masi were appointed commissioners to locate and establish a territorial road from Rawlins to the Snake river mines; William Granger, E. Hunt and John C. Dyer, to locate and establish a road from Rawlins to the Seminole mines, and William Crawford, R. Thorp and J. L. Atkinson, to locate and establish a road from Evanston to Smith's Fork.

Very little of importance occurred during the year 1872. William R. Steele, a prominent lawyer of Cheyenne, was nominated by the Democrats for delegate, and he defeated W. T. Jones for re-election by a majority of two hundred and seventy-one out of a total vote of three thousand two hundred and thirteen. In March, 1873, Jason B. Brown, of Indiana, was appointed secretary in place of Herman Glafcke. In May, 1873, an expedition was sent out by General Ord to explore the country about the headwaters of the Snake, Big Horn and Yellowstone rivers. It was commanded by Capt. William A. Jones of the United States engineers, and the object was to find, if possible, a practicable route from some point on the Union Pacific railroad to Montana to take the place of the Bozeman road that had been abandoned by the treaty of 1868. Jones started from Bryan, on the Union Pacific, followed the Green, Sandy and Wind rivers to the source of the last named, crossed the Wind River mountains and passed through the National Park to Fort Ellis, Montana. The military authorities pronounced the route practicable and asked congress for an appropriation to open the road. Congress declined to make the appropriation and consequently nothing ever came of the expedition.

Frequent Indian outrages retarded somewhat the growth of Wyoming during the first years of its territorial existence. In June, 1873, one of the prowling bands that infested the country shot and severely wounded a teamster near Rawlins Springs and drove away his horses. A posse of citizens was quickly organized to pursue and punish them. When they were overtaken the whites demanded the return of the horses but the Indians refused to give them up. A fight occurred in which four of the Indians were killed. The Indian department appointed a commission to investigate. At the time the affair happened it was thought the Indians were Utes but the commission reported that they were

Arapahoes; that they were where they had no right to be, and that the whites were justified in what they did. In July a band of Sioux and Arapahoes made a raid in the Popo Agie valley, north of Atlantic City, burned a ranch and murdered two women. Governor Campbell notified the interior department and demanded the surrender of the thieves and murderers. The department in turn notified the Indian agent and the agent notified the chiefs and there the matter ended. In matters of this kind the government was too much inclined to rely upon the honesty of the chiefs that signed treaties with peace commissioners. Instead of sending a force strong enough to command respect and enforce obedience the friendly chiefs were requested to turn over the malefactors. It is needless to say that such requests were more often disregarded than heeded.

The third legislature met on November 4, 1873, and organized by electing F. E. Warren president of the council and S. H. Wilkerson speaker of the house. Among the bills passed during the session was one increasing the membership of the legislature to the maximum number allowed by the organic act, thirteen councilmen and twenty-seven representatives. A memorial to congress was adopted, asking for the abandonment of the military reservation, known as the Albert Sidney Johnson, reservation in Uinta county. The reservation was established by the government for the sake of the coal deposits there but the mines were never worked and the Wyoming legislature sent affidavits of several reputable persons with the memorial showing this to be the case. The order for the eviction of the settlers on the reservation was rescinded, and the reservation was finally abandoned.

By virtue of his office Governor Campbell was superintendent of Indian affairs for the territory of Wyoming. The unfortunate treaty of 1868 was made before the creation of the territory and he set about undoing it. In his first report he recommended a treaty with the Shoshones for the southern part of their reservation, and that the Sioux country in the northeastern part of the territory be acquired and opened to settlement. He was authorized to treat with the Shoshones along the lines suggested in his report. A treaty was accordingly made in the fall of 1872 but was not ratified by congress until June, 1874. During his incumbency Governor Campbell was appointed on nearly every commission to treat with the Sioux. In 1870 he was one of the commissioners that persuaded the head men of the Sioux tribes to go to Washington to see the Great Father. That visit was the beginning of the negotiations that ended in the opening of the Powder

river country to white settlers. The final treaty was concluded on September 26, 1876, and all that part of Wyoming north of the Platte and Sweetwater, and extending west to the Rattlesnake mountains and the Powder river, was ceded to the United States. Congress promptly ratified the agreement and the lands were opened to settlement. The counties of Crook, Weston, and the greater part of Natrona and Converse, have since been formed out of the lands obtained by this treaty.

While these changes with regard to the Indian possessions were taking place, political matters were not neglected and several changes were made in the territorial officers. In 1872 Joseph M. Carey was promoted to associate justice and Edward P. Johnson succeeded him as United States attorney. E. A. Thomas was appointed associate justice in 1873. In 1874 W. R. Steele was re-elected delegate, defeating Joseph M. Carey by a small majority. In February, 1875, Governor Campbell was succeeded by John M. Thayer, of Nebraska,\* and Secretary Brown by George W. French. The fourth legislative assembly met on November 2, 1875, and began a session which lasted forty days. E. L. Pease was elected president of the council and N. L. Andrews speaker of the house. Not much legislation of general importance was enacted during the session. Jacob B. Blair succeeded Carey on the bench in 1876, and William Ware Peck succeeded Thomas early in the year 1877. In 1876 William W. Corlett and W. R. Steele were the candidates for delegate and the former was elected by a majority of one thousand one hundred and four out of a total vote of six thousand six hundred and twenty-six. On November 7, 1877, the fifth legislature was convened. Pease and Andrews were again chosen to preside over the council and house respectively. A territorial assay office was ordered established at Rawlins; Crook and Pease counties were created; and Thomas Feast, N. C. Worth and Thaddeus Judson were appointed commissioners to "locate and establish a wagon road from Laramie City to the south boundary of Wyoming, in the direction of North Park and Hahn's Peak, through the Douglas creek mining region. Some of Justice Peck's decisions were evidently not satisfactory and President Hayes was memorialized for his removal and the appointment of "some person of practical legal ability for the position." But Judge Peck served out his full term.

During the five years ending with 1877 the progress along industrial lines was highly satisfactory. This was especially true

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\* For a sketch of Governor Thayer see the history of Nebraska.

of the cattle and sheep raising interests. The number of car loads of cattle shipped out of the territory increased from two hundred and eighty-six in 1873 to one thousand six hundred and forty-nine in 1877. Within the same period the wool clip increased from eighty-five thousand to three hundred and fifty thousand pounds. The opening of the Indian country in 1877 made the prosperity of the next five years even greater. During the first six months of the year 1877 the Cheyenne Black Hills Stage Company carried over three thousand passengers and nearly six thousand express parcels, the revenues resulting from the business reaching about seventy thousand dollars. The greater part of the emigration to the Black Hills came by the way of Cheyenne and that city came into prominence as an outfitting point. On April 10, 1878, Governor Thayer retired from the office in favor of John W. Hoyt.

John Wesley Hoyt, the third territorial governor of Wyoming, was born in Franklin county, O., October 13, 1831. At the age of eighteen years he received the degree of A. B. from the Ohio Wesleyan University, and three years later took the degree of A. M. From 1852 to 1856 he was professor of chemistry and medical jurisprudence in the Cincinnati Eclectic Medical College, and during the last two years of that time he was also professor of chemistry in the Cincinnati College of Medicine. In 1857 he settled at Madison, Wis., where for two years he published the *Wisconsin Farmer and Northwestern Cultivator*. He was active in securing the passage of the bill by congress, giving the endowment to the agricultural colleges of the different states. He was the United States commissioner at the world's exposition in London, in 1862; at Paris, in 1867; at Vienna, in 1873; the Philadelphia centennial exposition in 1876; at New Orleans, in 1884, and was special representative for foreign affairs for the world's fair commissioners in 1893. In 1878 he declined a foreign mission to accept the governorship of Wyoming. At the close of his first term the legislature unanimously asked for his reappointment, though the majority in one house was Democratic while Governor Hoyt was Republican. For political reasons he was not reappointed. When the University of Wyoming was established he became the first president of the institution, serving from 1887 to 1891. He was chairman of the committee of four hundred to promote the "University of the United States." The University of Missouri conferred upon him the degree of LL. D., the French and German governments bestowed medals upon him, and at the Vienna exposition in 1873 the Emperor of Austria



decorated him with the commander's cross, imperial order of Francis Joseph. Governor Hoyt's administration was uneventful. Soon after his appointment he visited all the settled portions of the territory and made a report of the resources to the interior department. Congress ordered the report printed for general circulation, and it was the means of influencing many to emigrate to Wyoming.

In the campaign for delegate in 1878, the Republicans nominated Stephen W. Downey and the Democrats, E. L. Pease. Downey was elected by about one thousand majority. In February, 1879, A. Worth Spates, of Maryland, was appointed secretary. He served but little more than a year, being succeeded in March, 1880, by Elliott S. N. Morgan, of Pennsylvania. J. B. Sener, of Virginia, was appointed chief justice in 1879.

On November 4, 1879, the sixth territorial legislature met at Cheyenne. H. Garbanati was elected president and H. L. Myrick speaker. The territory of Wyoming had been organized ten years and was still without public buildings. The sessions of the assembly were held in the court house at Cheyenne. In his message Governor Hoyt reported ten prisoners in the United States penitentiary at Laramie City and sixty-eight in the Nebraska penitentiary at Lincoln. Fourteen patients were reported in the Iowa insane asylum, at Mount Pleasant. Congress having passed an act ordering the election of representatives and territorial delegates on the Tuesday following the first Monday of November, in the even numbered years, the Wyoming legislature of 1879, changed the time of holding the territorial elections to correspond to that of the congressional elections, and made all offices biennial. The time of holding the legislative sessions was also changed to the second Tuesday in January, beginning in 1882. An act was passed authorizing Laramie county to issue bonds to the amount of four hundred thousand dollars to aid in the construction of the Wyoming, Montana and Pacific railroad. The bonds were not to be issued, however, until the railroad company had one hundred miles of road completed and equipped and shops worth twenty-five thousand dollars or more at Cheyenne. This act which was passed in the interest of the Union Pacific railroad was not taken advantage of by that company. A memorial to congress was adopted, asking for the extinguishment of the Indian title to the eastern part of the Shoshone, Bannock and Crow reservations.

The discovery of gold in the Black Hills about the year 1876, and the finding of still greater deposits at Leadville, Colo., turned attention for a time away from Wyoming so that the growth

was comparatively slow. Then came the discovery of gold in the Medicine Bow mountains, on Douglas creek, and in the Jelm mountain, in Albany county, and Wyoming again came to the front in the way of attracting immigration. In common with other Western states and territories Wyoming suffered, during the latter seventies, from the depredations of road agents. In his message to the assembly of 1879, Governor Hoyt referred to the matter in these words: "During the year 1878 the injury done by bands of desperadoes was considerable. The Union Pacific railroad, the Cheyenne and Black Hills stage line, and other roads were much infested." To rid the country of the highwaymen the Rocky Mountain Detective Association was formed, with Gen. Dave Cook, of Colorado, at its head. Members of the association were soon found among the sheriffs and their deputies in Wyoming. One of the most active men in the suppression of lawlessness was Nathaniel K. Boswell, of Laramie City. In the winter of 1878 the Black Hills stage was stopped by a gang of six road agents and the passengers relieved of their valuables. Boswell, with thirteen members of the detective association started in pursuit. About fifty miles northwest of Laramie, not far from Rock Creek station on the Union Pacific, he surrounded them, and finding resistance useless the robbers surrendered. Trains on the Union Pacific were stopped and express cars robbed. In the fall of 1878 an extra engine was sent ahead of all express trains to guard against the probabilities of a wreck. The extra engine was nearly always attended by a guard of soldiers. Under the conditions the revival of the vigilance committee was a natural consequence. In November the north bound coach from Laramie had on board two of the captured robbers, named Mansfield and McLaughlin. At the crossing of the Platte river the coach was stopped by about twenty masked men and in a few moments the lifeless forms of the two road agents were dangling from the branches of a tree by the roadside. A man by the name of Donovan was hanged in Fremont county for murder and several suspected persons were warned to leave the country. They did not wait for a second notice. For a time things became quiet and some fancied that the reign of lawlessness was over. But in the fall of 1879 the depredations began again. The leaders of the gang at this time were Big Nose George and Dutch Charley. They attempted to wreck a railroad train, in November, but were promptly pursued and captured. Big Nose George managed in some way to get the handcuffs off and attacked one of the jailers, a man named Rankin, seriously injuring him. The

next night the vigilantes visited the jail and hung Big Nose George and two of his coadjutors known as Jim Lacey and Opium Bob. The renewal of the depredations brought about a co-operation of the departments at Washington, the detective association, the county and territorial authorities, and last but not least the vigilance committee, that broke up the gang for good.

During the next few years the career of Wyoming was along peaceful lines. There were no hostile Indians nor road agents to disturb her serenity or progress. Great strides were made in industrial development and material additions to the wealth and population of the territory followed. The seventh session of the legislature began on January 10, 1882, with I. P. Caldwell president of the council and William C. Lane speaker of the house. That Wyoming might be represented with the other commonwealths of the American republic in the construction of the Washington monument the territorial secretary was instructed to get a slab of Wyoming granite, have it engraved with a suitable inscription, and forward it to Washington. An appropriation of two hundred fifty dollars was made to defray the expenses. The petition of the assembly of 1877, for the removal of Justice Peck, was not heeded at the time but in 1882 his term having expired he was succeeded by Samuel C. Parks. In August, 1882, William Hale was appointed governor of the territory to succeed Governor Hoyt whose term had expired.

William Hale, the fourth governor of Wyoming territory, was born in New London, Henry county, Ia., November 18, 1837. His father soon afterward moved to a farm near Oskaloosa, and there William spent his boyhood in such occupations as usually come to American farmer boys. After such an education as the schools of Oskaloosa afforded he took up the study of law and in 1858 was admitted to the bar of Mahaska county, of which Oskaloosa was the county seat. He soon acquired an influential position in the county and in 1863 was elected to the Iowa legislature. He was three times re-elected and in 1866 was speaker, pro tem. of the house of representatives. In 1868 he was the presidential elector, on the Republican ticket, for the Fifth Iowa district, and took an active part as a public speaker during the campaign. His appointment was made by President Arthur on the 18th of July, 1882, but at his own request it was delayed a few weeks to permit Governor Hoyt to close up some matters he had in hand. His administration came at a time when there were no stirring events to call forth great executive

ability but his friends always believed that, had such been the case, he would have proven equal to the emergency. His messages to the legislature showed that he was thoroughly familiar with the needs of the territory and that he had a sincere desire to promote the interests of the people. Some of his recommendations have been followed by good results, his efforts in preserving the Yellowstone National park being especially valuable. His death occurred at Cheyenne, January 13, 1885, after a long period of failing health, and his memory will long be honored by the people of Wyoming.

One of the first official acts of Governor Hale was to appoint his predecessor chairman of a board of commissioners to represent the territory at the Denver exposition in 1882. The exhibit, though hurriedly prepared, reflected credit upon the commissioners and the territory they represented. The following year Wyoming was again an exhibitor at Denver, with Homer Merrill and Dr. George C. Rafter as the managers of the exhibit. The experience of the year before enabled the managers to arrange a better collection of products, and in 1883 many favorable comments were passed upon the showing of the territory in competition with older states and territories. This influenced the commissioners to take the display to the exposition of New Orleans, in 1884, where it received universal commendation, and it was taken to London in 1886 as part of the American exhibit.

On January 8, 1884, the eighth legislature met and organized by the election of W. H. Holliday president of the council and F. H. Jones speaker of the house. The county of Fremont was created from part of Sweetwater by this legislature, the bill being approved on March 5, and provisions made for the organization of the county on the petition of three hundred voters. The delegate to congress, after S. W. Downey, who was elected in 1878, was Morton E. Post, Democrat, who defeated A. H. Swan, in 1880, by a majority of 147, and J. W. Meldrum, in 1882, by a majority of over 1,100. In 1884 the Republicans nominated Joseph M. Carey, who had been defeated by Steele in 1874, and the Democrats put forward William H. Holliday. Carey was elected this time, defeating his opponent by a majority of 1,639 out of a total vote of 12,811. Upon the death of Governor Hale, at the earnest solicitation of delegate-elect, Joseph M. Carey, President Arthur, within a week of the close of his administration, appointed F. E. Warren, a resident of Cheyenne, to the position.

Francis E. Warren, who became the fifth territorial governor of



Wyoming, was born at Hinsdale, Mass., June 20, 1844. His ancestry can be traced back to the Mayflower, and he was a lineal descendant of Gen. Joseph Warren, who fell at Bunker Hill. Francis received his education from the district schools and the Hinsdale academy. At the beginning of the Civil war he enlisted in the Forty-ninth Massachusetts infantry and served through the war. He was one of the forlorn hope to fill up the trenches in front of Port Hudson, where three-fourths of the men detailed for that service were either killed or wounded, and he was stunned. After the war he engaged in farming and stock raising in his native state until 1868, when he removed to Wyoming, which at that time was part of Dakota territory. Soon after locating at Cheyenne he formed a partnership with Amasa R. Converse, under the firm name of Converse & Warren, in the business of merchandising. Later the business was incorporated as the F. E. Warren Mercantile Co., of which he was made president. In 1872 he was elected one of the trustees of Cheyenne. The following year he was president of the council in the territorial legislature. After that he was mayor of Cheyenne and served three terms as treasurer of the territory. His appointment as governor in 1885 gave general satisfaction. In 1886 he was removed by President Cleveland but was re-appointed by President Harrison and served until Wyoming was admitted into the Union, when he was elected the first governor of the state. He only served about a month when he was elected to the United States senate; he drew the short term. At the expiration of his term in 1893, he failed to be re-elected, but in 1894 he espoused the free silver cause and was elected in 1895 to succeed Senator Joseph M. Carey, who had uniformly voted against the free coinage of silver and who was known as a sound money Republican. Besides his political services, he has large business interests in the state, being the president of the Warren Live Stock Company, which he organized in 1883, and which controls over 50,000 acres of land. As governor of the territory he was influential in securing the establishment of the state university, the insane hospital and the erection of the capitol. During his term as governor the Cheyenne and Northern railroad was constructed. The governor, Thos. Sturgis, W. C. Irvine, Joseph M. Carey and M. E. Post were of the first Board of Directors of the road.

In August, 1885, the Union Pacific Railroad Company brought into Wyoming several hundred Chinese to work in the coal company's mines at various points along the road. At that time the anti-Chinese sentiment was strong all over the Western country

and it was not long until it began to manifest itself in Wyoming. The white miners charged the Mongolians with selecting and appropriating the best places in the mines, thus securing an advantage in the matter of wages. The disaffection was greatest at Rock Springs and Evanston. On September 2 about 400 white miners made a raid on the Chinese colony at Rock Springs. Several of the coolies were killed and the rest fled precipitately to the surrounding hills. The shanties in which they lived, most of which belonged to the railroad company, were set on fire, a number of sick and wounded Chinamen being consumed in the flames. Sheriff Joseph Young, of Sweetwater county, sent the following telegram to Governor Warren:

"There is a riot at Rock Springs between white and Chinese miners. It is necessary that the same should be suppressed and I call on you to send two companies of soldiers to Rock Springs immediately."

J. M. Tisdale, the assistant superintendent of the coal department of the Union Pacific, lived at Rock Springs but that day he happened to be in Cheyenne. Hearing of the riot he called on the governor and urged him to send assistance to the sheriff. Wyoming had no organized militia so the governor was forced to call on the Federal authorities for troops. He immediately telegraphed Gen. O. O. Howard, commanding the department, for military protection at Rock Springs. As soon as the telegram was sent he rode over to Fort D. A. Russell where he secured the promise of the two companies needed immediately upon General Howard's orders. General Howard informed the governor that he had no authority to furnish troops under the circumstances and advised him to communicate with the president by telegraph. Then occurred another delay owing to official red-tape. Governor Warren neglected to state that the territorial legislature was not in session and could not be convened in time to deal with the exigencies of the occasion. A second telegram was sent, supplying the information, and at midnight the governor took a special train for Rock Springs, arriving there early on the morning of the third. While en route he kept himself informed regarding the situation, receiving telegrams at several stations, and found that the sheriff was unable to do anything in the way of organizing a posse to keep the peace or to protect the Chinese. A large majority of the white people were in sympathy with the miners and refused to serve. Those who would have been willing to aid the sheriff were afraid to do so. About 700 Chinamen were hidden in the hills and

parties of the white miners and their sympathizers searched them out killing some and driving the others farther away. Some went to Evanston where there was another Chinese settlement. The appearance of more Chinese in Evanston aggravated the situation there and the sheriff of Uinta county, J. E. LeCain, learning that the governor was at Rock Springs, applied to him for troops to prevent a riot. Governor Warren advised him to swear in a number of special deputies to serve until troops could be obtained. Soldiers were sent by the war department to protect the United States mails but they were of no service in restoring order. On September 4, Companies D, and E, of the Seventh regiment, under Lieutenant Colonel Chipman went to Rock Springs for that purpose. A company was also sent to Evanston at the same time. During the next three days crowds of armed miners gathered at the latter place and finding that they were not interfered with by the military grew more threatening every minute. Governor Warren then sent the president the following telegram from Evanston:

"Referring to my several late telegrams, I respectfully submit that the unlawful, organized mob in possession of coal mines at Almy near here will not permit Chinamen to approach their own homes, property, or employment. From the nature of the outbreak the sheriff of the county cannot rally a sufficient posse, and the Territorial government cannot sufficiently aid him. Insurrectionists know through newspapers and despatches that troops will not interfere under the present orders and moral effect of presence of troops is destroyed. If troops are known to have orders to assist sheriff's posse in case driven back I am quite sure civil authorities could restore order without actual use of troops, but unless the United States government can find way to relieve us immediately, I believe worse scenes than those at Rock Springs will follow and all Chinamen be driven from the Territory. I beg an early reply and information regarding the attitude of the United States Government."

That telegram did the business. Orders were immediately sent for the troops already on the ground to aid the sheriff, in case of necessity, and the next day they were reinforced. On the 16th the Chinese consuls, Wong Sie Chen and F. A. Bee, the government directors of the Union Pacific, accompanied by an interpreter and General McCook, arrived at Rock Springs to take testimony concerning the rioters. On the morning of September 27 the people of Cheyenne were startled to find that the town had been placarded during the night with the following notice:

### “FAIR WARNING!

“All Chinamen found in the city of Cheyenne after October 1 will be subjected to a coat of tar and feathers and ridden from the city on a rail.

“WORKINGMEN.

### THE CHINESE MUST GO!”

When something like order was restored the grand jury of Sweetwater county undertook to investigate the affair. On October 7 the jury made a report to the effect that a large number of witnesses had been examined but none knew anything about the perpetrators of the outrage or the persons who incited the riot. The report said: “There appears to be no doubt of abuses existing there that should have been promptly adjusted by the railroad company and its officers. If this had been done, the fair name of our Territory would not have been stained by the terrible events of the second of September.”\*

Several strikes and boycotts grew out of the incident. Some showed a disposition to criticise the course of Governor Warren but the test of time has vindicated the view he took at the time. At the risk of personal danger, and the loss of political prestige, he bravely grappled with the situation, brought order out of chaos, and established a reign of law instead of a reign of violence. In referring to the matter in his message to the legislature of 1886 the governor said:

“Wyoming, within the past five months, has achieved an unenviable notoriety on account of an unlawful assault made upon the Chinese miners at Rock Springs. The inhuman and heartless attack on the part of the white miners showed such an utter disregard of all moral and civil laws that it deservedly received the severest condemnation throughout the country. There was a general feeling that the Chinese had been grossly outraged, as they were entitled, under existing treaties between China and the United States, to the same protection to life and property as any other class of foreigners. Under the state of affairs the white miners were not justified in murdering their helpless victims. The recent troubles at the mines in Rock Springs convince me that there should be some further provision in our statutes relating to the enforcement of the law. It is the duty

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\* The abuses referred to in the report of the grand jury were the alleged discrimination against white miners and in favor of the Chinamen.



of the Governor to see that the laws are faithfully executed, and he is authorized to use all the power at his command to insure obedience to the law. But it has been demonstrated that when any serious difficulty occurs the county and precinct officers need assistance to maintain order. The power of the Executive would be greatly strengthened if provisions were made for an organized Territorial force."

The ninth session of the legislature met on the 12th of January, 1886, and organized by electing J. W. Blake president and John S. Kerr speaker. Besides dealing with the Chinese riots in his message the governor urged upon the assembly the necessity for the establishment of certain state institutions. Bonds to the amount of two hundred thirty thousand dollars were authorized, the proceeds to be used as follows: One hundred fifty thousand dollars for a capitol; fifty thousand dollars for a university building at Laramie, and thirty thousand dollars for an insane asylum at Evanston. Charles N. Potter, Morton E. Post, Nathaniel R. Davis, Erasmus Nagle, and Nicholas O'Brien were appointed capitol commissioners to select plans and superintend the erection of the building. Under an act of March 11 F. O. Sawin was appointed a commissioner to select seventy-two sections for the university. He completed his work and made a final report to the governor on November 9, 1888. An appropriation of five hundred dollars was made for the purpose of erecting a monument to Governor Hale. January 1, February 22, May 30, July 4, any day the president of the United States might appoint as Thanksgiving, and December 25, were declared to be legal holidays. An act was passed dividing the territory into eight districts for irrigation purposes. The first district included the North Platte river and its tributaries, except the Laramie river. The second district consisted of the territory drained by the Laramie and its tributaries, except the Chugwater. The third included a portion of the Platte and certain tributaries. The fourth district included a portion of the country drained by Green river. The fifth district included the Powder, Tongue and Big Horn rivers. The sixth district included the Belle Fourche and the Little Missouri. The seventh district was located in the lower Green river valley, and the eighth included the Wind river valley to the Johnson county line. The appointment of one commissioner for each district was ordered, the commissioners to have power to adjust all questions growing out of water rights and to affix penalties for interfering with their work. A deaf and dumb asylum was ordered at Cheyenne and

eight thousand dollars appropriated for the crection of a suitable building. The institution was not to be opened until twelve inmates applied for admission and was to be closed whenever the attendance fell below eight. Congress was memorialized for the vacation of the military reservations of Forts Bridger and Sanders and the establishment of a military post at or near Evanston.

On October 2 the Democrats met in convention at Rawlins and nominated Henry G. Balch for delegate to congress. Three days later the Republicans met at the same place and re-nominated Joseph M. Carey. Before the election Balch withdrew and Carey had practically no opposition. He received 8,259 votes out of 9,362, the remainder being reported as scattering. In the election of a legislature at the same time each party elected a majority in one branch. In the council there were 3 Democrats and 10 Republicans, while in the house there were 16 Democrats to 11 Republicans. Changes in the territorial officers were made about this time as follows: In 1884 John W. Lacey, of Indiana, became chief justice, and Samuel T. Corn, of Illinois, succeeded Parks as associate justice in 1886. Governor Warren was removed in the fall of 1886, George W. Baxter serving as governor from November 6 to December 20, when Thomas Moonlight was appointed.

Thomas Moonlight, the seventh governor of Wyoming territory, was born in Forfarshire, Scotland, November 10, 1833. As a boy he read a great deal of America and was filled with a desire to see the country. Accordingly, at the age of thirteen years, he ran away from home, took a berth on a schooner as a forecastle hand, and landed at Philadelphia without a cent in his pocket. With true Scotch determination he refused to become discouraged and crossed over into New Jersey where he found work in a glass factory. From that time until May, 1853, he worked at various occupations, preferring any employment to idleness. In May, 1853, he enlisted in the regular army as a private in Company D, Fourth artillery. In August of the same year the regiment was ordered to Texas and for the next three years served on the frontier. In the fall of 1856 it was ordered to Florida to participate in the Seminole war. He was mustered out at Fort Leavenworth, Kan., May 17, 1858, having served his five years with a creditable showing as he was the first sergeant of his company at the time of his discharge. He was appointed chief clerk of the commissary department of Fort Leavenworth and held the position until the fall of 1859 when he bought a farm

near the fort and began farming. When the Civil war broke out he raised a light battery, which was mustered into the United States service on June 19, 1861, with him as captain. He remained in the service until August, 1865, when he was mustered out with the rank of brevet brigadier-general.\* In the spring of 1867 he was appointed collector of internal revenue for the district of Kansas, by President Johnson, and held the position until elected secretary of state on the Republican ticket in 1868. In 1872 he joined the Greeley party and was elected state senator from Leavenworth county. From that time forward he acted with the Democratic party. In 1886 he was the Democratic candidate for governor of Kansas but was defeated. Soon after the election he was appointed governor of Wyoming by President Cleveland. He served as governor of the territory until March, 1889, when he was removed by President Harrison and Governor Warren was re-appointed.

Other changes made by President Cleveland in the territorial offices were the appointment of Samuel D. Shannon, of Virginia, secretary; William L. Maginnis, of Illinois, chief justice; Samuel T. Corn, of Illinois, associate justice; A. O. Campbell, of Wyoming, United States district attorney, and Thomas J. Carr, of Wyoming, United States marshal.

The winter of 1886-87 was unusually severe and the cattlemen suffered a heavy loss of stock. Notwithstanding the severity of the winter, the year 1887 was one of great progress for the territory. Railroad building was carried forward with great energy. The Cheyenne & Northern was extended to the Platte river, a distance of one hundred and twenty-five miles, and work was done on other lines. A fine passenger station was erected at Cheyenne by the Union Pacific Company at a cost of one hundred thousand dollars. At the close of the year there were about eight hundred miles of road in operation. A large number of school houses were built during the year, and work on the new capitol was pushed rapidly toward completion. Under the act establishing the territorial university, J. W. Donnellan, Leroy Grant and Robert Marsh were appointed commissioners to carry out its provisions in the erection of a building which was to be completed within eighteen months from the passage of the act. On September 1, 1887, the commissioners turned over to the trustees the main building of the institution, and on the 6th it was opened for the enrollment of students, with ex-Gov. John W. Hoyt, as president.

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\* See history of Kansas for more concerning him.

The tenth territorial legislature met in the new capitol, at Cheyenne, on January 10, 1888. John A. Riner was elected president of the council and L. D. Pease, speaker of the house. A commission to codify the laws of the territory had been authorized by the legislature of 1886, and the session of 1888 adopted the work of the commission as the revised statutes of Wyoming. Acts were passed to encourage tree planting; to authorize the governor to designate one day for Arbor day, and to regulate the business of life insurance companies. Three new counties were created: Converse, from parts of Albany and Laramie; Sheridan, from part of Johnson, and Natrona, from part of Carbon. The most important work of the session was the adoption of a memorial to congress, asking for the passage of an act to enable the people of Wyoming to hold a constitutional convention and form a state government. It set forth that for nearly nineteen years Wyoming had been a territory; that according to the governor's last report, the population of the territory was estimated at eighty-five thousand; that the compulsory educational system was well advanced, and enumerated the resources of the territory. The magnitude of the live stock interests was emphasized; the systems of irrigation mentioned; the mineral resources described in detail and everything that the mind of the assembly could devise was urged in favor of a state government.

On October 6, the Democrats held a convention at Cheyenne and nominated Caleb P. Organ for delegate to congress. The Republicans held their convention at the same place on the 19th, and again nominated Joseph M. Carey. Both parties adopted resolutions in opposition to the lavish use of money to buy votes in elections, and to Chinese immigration. The Republicans declared in favor of home rule and that "we earnestly favor Congressional legislation that will enable us to adopt a constitution and secure the rights of Statehood." The Democratic convention adopted a resolution favoring the appointment of residents of the territory to the Federal offices and opposed the "further importation of foreign police mercenaries." At the election eighteen thousand and eight votes were cast. Of these Carey received ten thousand four hundred and fifty-one and Organ seven thousand five hundred and fifty-seven. The Democrats elected a majority of the members of the council and the Republicans a majority of the house. M. C. Saufley, of Kentucky, was this year appointed associate justice to succeed Jacob B. Blair.



## CHAPTER III

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### The Fight for Statehood

THE memorial adopted by the legislature was forwarded to congress where it received favorable consideration and the fight for statehood was begun in earnest. During the late summer and fall of 1889, United States Senator Platt of Connecticut, who was chairman of the committee on territories, accompanied by members of the special committee on Pacific railroads, made a tour of the territory of Wyoming, investigating the conditions of the Union Pacific railroad. Joseph M. Carey, then delegate from the territory to the United States congress accompanied the committee a part of the way through the territory and strongly urged the claims of Wyoming for admission as a state and he was assured by the visiting senators that his efforts in behalf of the admission of Wyoming should have favorable consideration in the senate.

A bill for the admission of Wyoming was introduced in the United States senate at the session of 1888-89, and on the last day of February, Senator Platt, of the committee on territories, reported back a substitute with the recommendation that it pass. Under the provisions of this substitute bill, the governor, chief justice and secretary of Wyoming were to divide the territory into districts and apportion fifty-five delegates, in proportion to the population, to a constitutional convention. After the apportionment was made, the governor was to issue a proclamation, on the first Monday in June, calling an election for the second Monday in July. The delegates chosen at that election were to meet on the first Monday of September and draft a constitution. On March 27, 1889, President Harrison removed Governor Moonlight and appointed F. E. Warren who thus became a second time governor of the territory. In his inaugural address, on April 9, Governor

Warren signified his willingness to co-operate with the people in their efforts to secure the admission of Wyoming. From that address the boards of county commissioners in the several counties took their cue and during the month of May, seven of the ten counties adopted the following resolutions:

"WHEREAS, This board of county commissioners is satisfied, from an examination of Senate bill No. 2,445, as unanimously and favorably reported to the United States Senate by the Committee on Territories, that its provisions are absolutely fair for all sections of the territory of Wyoming, and

"WHEREAS, The board is satisfied that there should be immediate action, as there would be greater probability of success by literally and speedily following the provisions of this bill; therefore be it

*"Resolved,* That this board pledges itself to put into operation the election machinery under the laws of the Territory for the election of delegates to a constitutional convention, and the submission of such constitution as may be presented by the said convention to the people of this county for ratification or rejection, if the Governor, Chief justice, and Secretary of the Territory shall in their wisdom see fit to take the initiatory steps under the provisions of said Senate bill for calling into existence a constitutional convention.

*"Resolved,* That the chairman of this board be instructed to present copies of this resolution to the Governor, Chief Justice, and Secretary, with the request that if other counties of the Territory make similar requests they shall divide the Territory into districts, apportion the number of delegates to the several districts or counties, and do such other acts as may be necessary for the convening of such constitutional convention in the manner and form as is provided by said Senate bill."

In compliance with the requests contained in the resolutions, the governor, chief justice and secretary met at the capitol on June 3, which was the first Monday in the month, divided the territory into ten districts, represented by the ten organized counties, and apportioned the delegates as follows: Laramie county, eleven; Albany, eight; Carbon, eight; Sweetwater, five; Uinta, six; Fremont, three; Sheridan, three; Johnson, three; Crook, four; Converse, four. On the same day the governor issued his proclamation ordering the election of delegates on the second Monday in July, and that the convention should be assembled at Cheyenne, at twelve o'clock, noon, on the first Monday in September. He also ordered that the constitution adopted by the conven-

tion should be submitted to the people for their approval or rejection on the first Tuesday in November. The convention met on the 2nd of September and organized by the election of Melville C. Brown, president and John K. Jeffrey, secretary. It finished its labors and adjourned on the last day of the month. Forty delegates signed the constitution at the time of its adoption. They were: Melville C. Brown, John K. Jeffrey, Asbury B. Conway, A. C. Campbell, J. A. Casebeer, Clarence D. Clark, Henry A. Coffeen, W. E. Chaplin, Jonathan Jones, John L. Russell, George W. Fox, Frank M. Foote, Charles H. Burritt, Henry S. Elliott, Mortimer N. Grant, Henry G. Hay, Frederick W. Harvey, Mark Hopkins, John W. Hoyt, William C. Irvine, James A. Johnston, Jesse Knight, E. S. N. Morgan, Edward J. Morris, John M. McCandlish, Herman F. Menough, Caleb P. Organ, Louis J. Palmer, Charles N. Potter, D. A. Preston, John A. Riner, George C. Smith, H. E. Teschemacher, C. L. Vagner, George W. Baxter, Thomas R. Reid, Robert C. Butler, C. W. Holden, H. G. Nickerson, A. L. Sutherland.\*

A lively debate occurred in the convention over the proposition to submit separately the question of woman suffrage. A. C. Campbell, of Laramie county, offered a resolution to submit the question as a separate proposition, at the same time disavowing any opposition to woman suffrage and stating that he offered the amendment at the request of certain citizens of the territory. In introducing the amendment he said: "If you submit this as a separate proposition, it is one of the strongest arguments that the advocates of woman's suffrage can use throughout the other States and Territories of this Union. If you put it into the constitution and do not give the people the right to vote upon it, you will be met by the argument of those who are opposed to it that you have never given the people of Wyoming a chance to vote upon that proposition at all, and it is no argument to say that the majority of the people are in favor of it, for you do not know whether they are or not. You answer and say that they had the chance to reject the constitution. The argument is thrown back in your teeth, that is true, but they were so anxious to come into the Union, and there were so many other good provisions in their constitution, that they were willing to submit to that rather than have the whole thing rejected."

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\* Volume I of the collections of the Wyoming Historical Society gives in addition to the above, the names of M. C. Barrow, Charles W. Burdick, Frank Meyer, De Forest Richards and Richard H. Scott, making forty-five delegates. As the apportionment and proclamation called for the election of fifty-five the presumption is that some of the districts failed to elect, or, if the full number of delegates was elected, ten of them failed to qualify and attend the convention.

The sentiment of the convention was against the amendment, and that sentiment was voiced by Charles H. Burritt in closing the debate, as follows: "I, with the gentleman from Laramie, Mr. Campbell, defend the right of petition, and so far as that is concerned I stand with him, but when it comes to vote upon this question, I stand upon a higher platform; I stand upon the platform of right, and I advocate the continuance of the right of women to vote and hold office and enjoy equally with men all civil, religious and political rights and suffrages, and that it be incorporated as a part of the fundamental law in the constitution of this State, and if we cannot come into the Union of States with a platform of right, why then we will stay out, and willingly remain in a territorial form of government until all of us have passed away to the grave."

A committee of eleven was appointed to prepare an address to the people. The following extracts from that address show the state of the public mind in Wyoming on the subject of admission, and also present some of the leading arguments in favor of the ratification of the constitution. In the opening of the address the committee said:

"The convention designated the undersigned as a committee to lay before the people of the Territory reasons why the foregoing constitution should be adopted. Our space is limited, and in this address we can only call your attention to a few of the many good reasons that exist.

"Every county in the Territory was represented in the convention. A month's time of careful, conscientious, and painstaking labor has been spent in formulating this constitution. In all our deliberations we have endeavored to embody in our fundamental law such economic measures as we believed would commend our work to the people of the whole Territory, without reference to partisan politics, and with equal protection for the rich and poor.

"For twenty years and more Wyoming has been laboring under the disadvantages of a Territorial form of government. These disadvantages are numerous. We have no voice in the selection of the most important officers who administer our local affairs.

. . . The abuse of the veto power by alien governors, the lack of familiarity of alien judges with our laws, and the frequent changes of our executive and judicial officers, as it has been in the past and may be again in the future, can not but discourage the people. Although citizens of the United States in name, we have, in fact, been disfranchised. Territorial representation in Congress is a delusion—the Territories of these United States have no rep-



resentation. Taxation without representation, a condition in many respects allied to colonial vassalage, with the many other wrongs that follow the application of those two anti-American ideas, and with which you are familiar, have all united to render the condition of the people of Wyoming—the most energetic, intelligent, and patriotic citizens of the United States—well nigh intolerable.

“It is admitted that Wyoming Territory stands next in order in its right to admission into the Union. We believe she is now ready to assume the responsibility of statehood—to cast off the burdens and inconvenience of Territorial vassalage. She can now ask for admission with hope of success. For the first time in ten years public opinion in the older States has so changed as to view the admission of new States with a fair degree of favor. If not admitted at this time, we may reasonably expect the wave of public sentiment will soon recede and the old unfavorable attitude toward the Territories will again be established. In this event our admission as a State would become so problematical that we need entertain no hope of obtaining the rights and benefits of statehood for the next ten years.

“The delegates in this convention came from both political parties from all sections of the Territory. It was non-partisan in character; indeed it may be truthfully said that in its deliberations there was at no time a division of its membership on party lines. Sectional questions were at no time considered, but to act for the common good of the whole people of Wyoming seemed to be the ruling motive. The material, industrial, and professional interests were represented in its membership, and no outside influences were permitted to affect their action.

“The constitution adopted is believed to be fairly conservative and also progressive. It is the first constitution adopted by man which gives to each citizen the same rights guaranteed to every other citizen. Under its provisions pure elections are practically guaranteed, and economy of administration assured. Restrictions upon legislation and loose appropriations of public moneys are clear and positive. The salaries of officers have been fixed according to the service rendered and in proportion to the means of the people to pay. Public trusts are carefully controlled and corporations restricted to a single line of business. The establishment of compulsory courts of arbitration to settle disputes between corporations and their employes, the protection of laborers in mines, the prohibition of the importation of foreign police to usurp local authority are all measures that commend themselves, and in the

convention received the support of the representatives of both capital and labor. The extravagance in management of county affairs that has prevailed in the past has been circumscribed and rendered impossible. The restrictions upon taxation and the creation of public debts are such as to necessitate economy in public affairs and insure to the people the highest excellence in government for the least money."

There can be no doubt that the constitution of Wyoming contained many excellent features not found in the organic law of other states. The bill of rights was constructed upon a broader basis; the legislative, executive and judicial departments had their powers so defined that it was impossible for one to interfere with or usurp the functions of either of the others; the educational, penal and charitable institutions were established on a firm foundation; the restrictions thrown around the legislature in the matter of special legislation insured the people protection from the briber and corruptionist for all time; the water of the natural streams, lakes, etc., within the boundaries of the states was declared to be the property of the state and reserved for irrigation purposes; and the various industries of the state were fully protected. George William Curtis, writing in *Harper's Weekly* at the time, said:

"There was general expectation that the constitutions of the new States would not merely repeat the general administrative scheme of the older States, but illustrate the movement of political thought in the country and the results of experience in administration. This anticipation has been fulfilled in the proposed constitution of Wyoming more than in any of the others, so far as their cardinal clauses have been made known. . . . While it enfranchised woman it carefully guards the intelligence and honesty of suffrage. It provides against the ignorance which foreign immigration carries to the far west by requiring that the electors must be full citizens, with a specified term of residence in Wyoming, and that they must be able to read English (constitution).\* Ballot reform seems to also to have been secured by requiring that ballots shall be printed by the State. These three provisions alone speak well of Wyoming. They indicate an intelligent and thoughtful community, and not a mere multitude of ranchmen and 'frontiersmen' which the population of a western Territory is often supposed to be."

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\*In this Curtis was mistaken. The constitution did not require the voter to be able to read English, but only that he should be able to read the constitution. It might be printed in any language.

On October 4, Governor Warren issued his proclamation calling an election on Tuesday, November 5, when the constitution should be submitted to the people. At that election the constitution was ratified by a vote of six thousand two hundred and seventy-two to one thousand nine hundred and twenty-three. The light vote was a surprise to many but it was accounted for by the conditions which prevailed. It was generally understood that practically everybody was for the constitution. As there was no organized opposition, neither was there any organized effort to get out the favorable vote and many of the voters grew apathetic. Then a severe snow storm the day before the election produced a state of weather that kept many from the polls, especially in the sparsely settled districts. Governor Warren included an account of the constitutional convention, and a copy of the organic law, in his report for 1889, and the fight for statehood was transferred to congress. In all that contest it never assumed a partisan aspect, at least so far as the people of Wyoming were concerned. The governor, secretary of the territory,\*\* and delegate to congress were all Republicans, yet the Democrats of Wyoming laid aside all partisan bias and worked with the administration to secure the much coveted statehood. On January 27 the Democratic central committee held a meeting at Cheyenne to decide on a course of action. The meeting was thus reported in the *Cheyenne Daily Leader* the next day:

"Of the twenty-one members of the Territorial Democratic central committee, fifteen attended last evening's special session. Every county in the Territory was represented. The meeting was for the purpose of expressing Democracy's views on statehood. These resolutions were unanimously adopted:

"*Resolved*, That the Territorial Democratic central committee of Wyoming, in meeting assembled, does hereby declare its belief that the sentiment of the Democracy of the Territory is strongly in favor of statehood.

"*Resolved*, That this committee earnestly urges the Democratic members of Congress to aid in the passage of the bill now pending in the Senate, providing for the admission of Wyoming as a State."

"R. F. Glover was chairman and J. C. Baird secretary. There were many expressions favorable to statehood by the gentlemen present. Judge Corn, W. H. Holliday, and others will go to Washington as representatives of Wyoming's Democracy and urge statehood. Another meeting of the committee, to prepare

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\*\*John W. Meldrun superseded S. D. Shannon as secretary May 20, 1889.

credentials for the delegates selected and to choose others, will be held this evening. The resolutions above will be signed by all of the central committee and many other prominent Democrats."

Notwithstanding the unanimity of sentiment in Wyoming, the bill did not pass congress without a struggle. The question of giving women the elective franchise seemed to be a thorn in the side of the politicians at Washington. In the senate a proposition to strike out all after the enacting clause and insert in lieu thereof a measure to admit Wyoming, Arizona, New Mexico and Idaho, under constitutions to be framed in June, 1890, and to be submitted to the people in November, was lost by a vote of 29 to 18. Likewise a motion to have the constitution of Wyoming resubmitted, to a vote of the male citizens only, was lost by the same vote. In the house the opposition was even more determined to encompass the defeat of the bill. First, a motion was made to call a new constitutional convention, the delegates to be elected by the male citizens of the territory, and the constitution to be submitted to the electors in November, 1890. This was lost by a vote of 138 to 131. It was immediately followed by a proposition to submit to the male citizens, at the November election, 1890, the question of ratifying or rejecting the constitution, and the question of woman suffrage and the eligibility of women to hold office as a separate proposition. This was also defeated by a vote of 139 to 133. Then a motion was made that Wyoming should not be admitted until the constitution was so amended as to strike out woman suffrage and her eligibility to hold office. A third time the friends of the measure rallied to its support and defeated the motion by a vote of 138 to 132. The bill finally passed the house on March 27, 1890, by a vote of 139 to 127. It was then sent to the senate where an amendment was made, providing that "The Yellowstone Park shall be under the exclusive control and jurisdiction of the United States, but the State shall have the right to serve civil and criminal processes therein." Thus amended it passed the senate on June 27. The day the bill passed the senate Delegate Carey sent a special dispatch to the *Cheyenne Sun* in which he said: "The house is now under a special order considering the federal election bill, which will last until July 2d. The amendment cannot be considered until after that time. In a conference with the Speaker to-night, he said nothing else could be done but wait until after that date. The matter will be privileged when it can be laid before the House.



Wyoming is out of the woods! In a few days the world will see the new American star."

On July 9 Col. S. W. Downey and Judge Groesbeck, of the territorial council, on behalf of the people of Wyoming, sent the following telegram to Joseph M. Carey at Washington: "We rejoice with all our people in the successful termination of your gallant struggle for statehood. May this new-born babe, Wyoming, increase in wisdom and stature and in favor with God and man."

The bill, as amended by the senate, had then passed the house and awaited only the president's signature to become operative. To the telegram Delegate Carey replied on the next day: "Accept thanks for congratulations. The people of Wyoming have won a great victory. The President made Wyoming a State at 5.30 this afternoon."

About five o'clock that afternoon Judge Carey was engaged in filing some reports from the committee on military affairs with the clerk of the house of representatives when he received notice that the president was ready to sign the bill. Hurriedly filing his reports, his last official act as the delegate from Wyoming territory, he took a carriage and was driven to the executive mansion. President Harrison took a new pen and holder and affixed his signature to the bill that made Wyoming a sovereign state of the American Union. When he had finished writing his name he turned to Judge Carey, who was alone with him at the time, and said: "The deed is done." He then handed the pen to Mr. Carey as a souvenir of the occasion, and the latter sent the message to Colonel Downey and Judge Groesbeck announcing the end of the long and interesting contest. As soon as that telegram was received at Cheyenne steps were taken to celebrate, with appropriate ceremonies, the admission of the state, and July 23 was fixed upon as the date.

The program arranged for the occasion included a military, civic and industrial parade, followed by music and speech-making at the capitol in the afternoon, and a display of fireworks and grand ball in the evening. When the day arrived Cheyenne was resplendent with the national colors. The procession was headed by the Seventeenth United States infantry, with its famous band, under the command of General Mizner. Behind the regiment came the state officers, orators, guests of honor, etc., in carriages, and the girl guards of Wyoming. At the head of the second division was the Union Pacific band, one of the finest in the West. The Wyoming National Guard, members of the

Grand Army of the Republic, and a long line of floats representing the industries of Wyoming made up the division.\*

In other states the women on such occasions would have participated as mere lookers on, or in the performance of some part subordinate to, and perhaps assigned them by, the men. Not so in Wyoming. All through the jubilee proceedings the women played an equally important part with the men. Governor Warren presided at the capitol grounds, where a grand stand had been erected, and around which the multitude gathered, but Mrs. Theresa A. Jenkins delivered the address of welcome. When Melville C. Brown, the president of the constitutional convention, made a speech presenting a copy of the constitution adopted by that convention, the response was made by Mrs. Amelia B. Post, accepting it, for the women of Wyoming, as the first document of its kind in the world to guarantee enfranchisement to her sex. Mrs. I. S. Bartlett read an original poem on the admission of the state. The central incident of the celebration was the presentation to Governor Warren, as the representative of the state, a handsome silk flag—the gift of Wyoming's daughters. It was the first United States flag to show forty-four stars upon the azure field, Wyoming being the forty-fourth state admitted into the Union. The presentation was made by Mrs. Esther Morris, who has been not inaptly called the "mother" of the woman suffrage movement in Wyoming, and the first woman to ever hold the office of justice of the peace. In accepting the flag Governor Warren said:

"It is seldom permitted man to stand a representative for his commonwealth at the time of its organization and during the period of its transition from a condition of territorial dependence to one of State independence. And it has never before, I believe, been vouchsafed man to represent a State as its executive officer on so auspicious an occasion as this.

"Here, in the open air, near the crest of the continent, Wyoming, forming the keystone of the arch of States extending from ocean to ocean, celebrates an event significant in the extreme, new to the history of our country, and without precedent in the world; that is to say, a State, in adopting its constitution, extends free and equal suffrage to its citizens, regardless of sex.

"Women of Wyoming, you have builded well in your past efforts and conduct; and the men of Wyoming extend heartiest

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\* In connection with the industrial display the Cheyenne *Sun* of the following day had this comment: "Mr. Keefe, in his private carriage, gave an unique exhibition of what he called the 'products of Wyoming.' He had in the carriage five children, of which he claims to be the father. Around the buggy were hung festoons of native flowers and vegetables, beets, turnips, onions, etc., but the little device deceived nobody."

greetings at this time. They congratulate you upon your achievements, and ask you to join them in the future, as in the past, in securing good government for our commonwealth. Your influence has always tended toward higher development and culture. And now, in the near future, when called upon to exercise your rights and your privileges in the selection of your officers, who must be both your rulers and your servants, we have confidence that you will subscribe to everything that is elevating and enterprising—a pure ballot—the highest moral standing and the strictest personal responsibility in public officers—liberal educational facilities, and withal an economical and wise financial policy and management.

“Ladies, for and on part of the great State of Wyoming, I thank you most sincerely for this beautiful stand of colors. And I beg to assure you that it shall be cherished and protected as a souvenir of priceless value.”

After the flag presentation, Clarence D. Clark, of Evanston, was introduced as the orator of the occasion. Of his address the *Cheyenne Sun* said: “The oration was a masterpiece of eloquence, and proved that he was equal to the occasion and that the committee who secured him put the right man in the right place. He charmed the great audience with his strong reasoning, rich descriptive passages and happy oratorical climaxes. His practical and statesmanlike views of what Wyoming has already achieved and what we may hope to achieve in the future, from its present glorious position, were powerfully and cogently expressed. His tribute to woman, to her patriotism, devotion to duty, capacity for affairs and her equality in this State, not obtained as a ‘boon,’ but as an inalienable right, was one of the most eloquent gems of the address. He also gave deserved praise to the State Constitution and the noble body of men who framed it.”

The festivities over, then came the more serious business of organizing and installing the state government. An election of state officers was ordered for September 11. The Democratic party held a convention at Cheyenne on August 11 and nominated George W. Baxter for governor; John S. Harper, for secretary of state; George A. Campbell, for auditor; J. C. Miller, for treasurer; A. V. Quinn, for superintendent of public instruction; Samuel T. Corn, P. G. Bryant and Henry S. Elliott for judges of the supreme court, and George F. Beck for congress. The platform adopted, favored the secret ballot and the election of United States senators by the people; denounced the McKinley

tariff bill, and demanded the free coinage of silver. The following resolution was also passed by a unanimous vote: "We believe that no citizen of the United States, male or female, who is well disposed to the good order and happiness of the country, should be deprived of the right of suffrage."

The Republicans nominated Francis E. Warren for governor; Amos W. Barber, for secretary of state; Charles W. Burdick, for auditor; Otto Gramm, for treasurer; Stephen T. Farwell, for superintendent of public instruction; Willis Van Devanter, Herman V. S. Groesbeck and Asbury B. Conway for judges of the supreme court and Clarence D. Clark for congress. The resolutions approved the protective tariff system and woman suffrage; congratulated the country on the passage by congress of a law providing for the increased coinage of silver; demanded a strict enforcement of the Chinese exclusion act, and endorsed the administration of President Harrison. All the Republicans for the state offices were elected. For governor, Warren received 8,879 votes and Baxter, 7,153. The first state senate stood 14 Republicans and 2 Democrats, and the house of representatives 27 Republicans and 6 Democrats. The newly elected officials qualified on the 14th of October and Governor Warren immediately issued a proclamation for the legislature to convene on the 12th of November.

While the bill for the admission of Wyoming was pending in congress, the last session of the territorial legislature was held, beginning on January 14, 1890. George T. Beck was president of the council and Stephen W. Downey, speaker. A thorough revision of the election laws was made and the act as amended at that time has ever since formed the basis of Wyoming's election laws. County commissioners were authorized to pay a bounty of ten dollars an acre for tree planting, and several memorials to congress were adopted. One of these asked that the Fort Sanders and Fort Fetterman reservations, being no longer used for military purposes, be opened to settlers in such a way that the land could be bought for one dollar and twenty-five cents an acre. In response to this request congress passed an act, which was approved on the same day as the admission bill, opening to homestead entry the abandoned reservations of Forts Fetterman, Steele, Laramie and Sanders, and part of that belonging to Fort Bridger. On March 12, Big Horn county was created, from parts of Fremont and Johnson, and provisions were made for its organization. Two days later the final adjournment was taken and the last territorial legislature of Wyoming passed into history.



## CHAPTER IV

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### The State Administrations

PURSUANT to the governor's call, the first state legislature assembled at Cheyenne on the 12th of November and organized by electing W. R. Schnitger president of the senate and Oliver P. Kellogg speaker of the house. The members of the senate were: Frank W. Mondell, F. Chatterton, Albert D. Chamberlain, Griffith W. Edwards, Robert E. Fitch, James B. Keenan, Leopold Kabis, John McGill, John McCormick, Oliver D. Marx, William A. Robins, John L. Russell, John N. Tisdale, J. D. Woodruff, Frank H. Williams, and the president.

The representatives were: E. Amoretti, Otto Arnold, H. E. Buechner, Frank Bond, Nat. Baker, William Brown, Archibald Blair, Charles E. Clay, A. L. Coleman, W. E. Dunn, Louis G. Davis, H. W. Davis, John S. Davis, George East, Henry B. Folsom, Harrison Fulmer, George Gebhardt, Ora Haley, M. Griffin, John F. Hittle, Robert H. Hall, Louis Johnson, Herman Langheldt, Samuel Merrill, Frank Merrill, Alma Peterson, Charles A. Reals, William H. Richardson, Charles W. Sweet, A. M. Startzel, A. L. Sutherland, Edward Thorp and the speaker.

Two United States senators were necessary to complete the representation of the state in the national congress, and their election was part of the duties of the first legislative session. The choice of the first was easily made. On the first ballot Joseph M. Carey received 39 votes and George W. Baxter, 7. In the selection of the second senator more difficulty was experienced. Altogether seven ballots were taken. The vote on the last ballot stood as follows: Francis E. Warren, 29; M. C. Brown, 7; John McCormick, 3; H. R. Mann, 1; Henry A. Coffeen, 9.\*

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\* Coffeen was the candidate of the Democratic caucus. He received one more vote than the entire strength of his party, in joint session.

Joseph M. Carey, the first United States senator elected from the new state of Wyoming, is a native of Milton, Del. He was born January 19, 1845. His father, Robert Hood Carey, was a farmer and country merchant and in 1838 married Susan Pitt Davis. Of this union the subject of the sketch was the third son. The ancestors of both parents were of English and Scotch descent and were among the early settlers of Delaware and Maryland. Joseph M. Carey's early life was much the same as most boys living in a country village. In the summer he worked on the farm or in the store and went to school between times, and experienced much difficulty in getting an education. He attended the district school in the winter and taught school for a short time. Later he attended Fort Edward Collegiate Institute, New York, for a few terms and prepared himself for a college course. He took a special course at Union College, New York. He entered the law office of Benjamin Temple and subsequently that of William L. Dennis in Philadelphia and studied law. He took the law course at the University of Pennsylvania, graduating with the degree of Bachelor of Laws in 1867. The same year he passed his examination for admission to practice in the courts of Pennsylvania and opened a law office in Philadelphia. During the presidential campaign of 1868 he took an active part and spoke in many places in Pennsylvania and New Jersey in favor of the nominees of the Republican party.

The passage of the act for the organization of the territory of Wyoming may be said to have changed the whole current of Mr. Carey's life. President Johnson nominated officers for the new territory but they were not confirmed. President Grant, in April, 1869, appointed a full corps of officers for the new territory, among whom was Joseph M. Carey, for United States attorney. He arrived in the territory May 8, 1869, and entered actively upon the duties of his office, assisting in the organization of the new territory under the provisions of the organic act. He attended all the courts and besides his duties as United States attorney, he performed those of attorney for several of the counties. In 1871, he was appointed associate justice of the supreme court of the territory. He entered upon the duties of his new office when twenty-seven years old and held it until 1876. During his incumbency of this office, he, from time to time, held court in each of the counties of the territory.

In 1874, by unanimous vote, Judge Carey was nominated for delegate to congress, but was defeated by W. R. Steel, Democrat, by a small majority. During the time that he was on the bench,

he performed his duties to the satisfaction of the government, the people of the territory and the bar.

In 1880, while Judge Carey was in the East he was elected mayor of Cheyenne on a public improvement platform. He was re-elected in 1881 and again re-elected in 1882, without opposition and he continued to hold the office until 1884. During his administration, water and sewer systems were completed, and a commodious opera house was erected so that the pioneer town, through its improvements in all directions took on the appearance of a city. During this period the Stock Growers National Bank was organized with the largest capital of any institution in the territory and Mayor Carey was elected its first president, which position he held until he closed out his interests to his associates.

In 1884, he was elected a delegate to the forty-ninth congress. He was re-elected to the fiftieth congress without opposition and again re-elected to the fifty-first congress as a Republican. From 1876 to 1896 he was a member of the Republican national committee and as a member he was an earnest advocate of the rights of the territories to full representation in the national conventions as soon as such territories had made application for admission as states. He advocated home rule for territories and maintained that it was the right of a territory to become a state as soon as it had sufficient population and sufficient means to support a state government. These ideas were incorporated in the platforms of the national Republican conventions. Soon after Judge Carey was elected to congress a vacancy occurred in the office of governor of Wyoming, through the death of Governor Hale. This was during the closing days of President Arthur's administration. Voicing the will of the people, Judge Carey went to Washington and urged the appointment of F. E. Warren, an actual resident of Wyoming as governor. He accomplished his purpose and before Wyoming ceased to be a territory, he saw that each of the appointments made by the president were from actual residents of the territory.

In 1884, a legislature had been elected in Wyoming on an apportionment law that had expired before the election. A bill had been reported favorably to both houses of congress for a new election. The legislature was Republican in politics for the first time in the history of the territory. The congress was Democratic. Delegate Carey had no sooner entered upon his duties, than he began to prepare to make a state of the territory of Wyoming.

At the beginning of President Harrison's administration, he asked Mr. Carey to accept an important official position in

Wyoming, saying that he would appoint him if he would accept the office before he left the room. Mr. Carey replied that his obligation was to another, and more he wanted to work in Washington for Wyoming's admission as a state. While in the house he served on many important committees, among which were the following: Military, Public Affairs and the Territories. He prepared the bill which became a law admitting Wyoming as a state. He prepared the house and senate reports on the bill. The bill became a law July 10, 1890. Judge Carey had been present at the birth of Wyoming territory in 1869 and he saw the new star, forty-fourth, placed on the emblem of the United States, for Wyoming. The passage of the admission act was hailed with great rejoicing throughout the length and breadth of the state. Thomas Reed, then speaker of the house of representatives, congratulated Mr. Carey on the passage of the statehood bill and said: "Carey, this is your measure. If your people had not had the good sense to send you here, Wyoming would not have been a state for twenty years to come, for her claims are not better than those of other territories." The act legislated Judge Carey out of office, and as soon as he had finished up his business in Washington he returned home to take part in the first political state campaign, being chairman of the Republican state committee. The election showed large Republican majorities on joint ballot in the legislature. On the assembling of the legislature, without any caucus, Joseph M. Carey was elected first United States senator by full Republican vote of the two houses. He drew the long term in the senate and served until March 4, 1895. He was defeated for re-election because he was opposed to the free coinage of silver. His defeat was predicted long before as the West was crazed on the subject of free silver. Senator Carey had undoubted convictions on the subject and stated that he would not vote for what he knew was not good for his state and country and when told after giving his vote, that he would regret it, he said: "Well I shall not have to apologize to my conscience." During a part of Senator Carey's service in the senate, he was on the committee of education and labor (of which he was chairman), public lands, territories and the Union Pacific railroad. During his service in the two houses he secured much useful legislation, among which were the authorizing of territories to lease their school and university lands; and appropriations for the rebuilding of the military posts in Wyoming; for the rebuilding of the penitentiary at Laramie; for the construction of public buildings at the capitals of Wyoming, Idaho and Montana; for



the establishment of land offices at Buffalo, Sundance, Douglas and Lander; for the opening of abandoned reservations to settlement; and for the donation of the military post at Fort McKinney to the state for public purposes.

He was the author of the important law known as the Carey Act, which provides for the donation of one million acres of land to each of the arid states, conditioned that such states cause such lands to be irrigated and disposed of in small tracts to actual settlers. Senator Carey was an earnest advocate of the admission of the territories as states. He introduced in the senate an Omnibus Bill for the admission of Arizona, Utah, Oklahoma and New Mexico as states. A Republican caucus of the senate instructed him to call up the bill at a most favorable time for its passage. Its consideration was, however, crowded out by the more important matters at the close of the session. Since he first came to the territory he has been interested in large business transactions. He and his brother, R. Davis Carey, of Philadelphia, under the firm of J. M. Carey & Bro., were among the first to utilize the nutritious grasses of the unfenced plains for live stock growing. In 1876 they built the largest business and office building erected up to that time in Wyoming. In all things they have been most public spirited. Senator Carey may be said to be the father of the Wheatland Colony, initiated by the construction of the largest irrigation plant in Wyoming, under which one hundred thousand acres of land will be reclaimed and which is bringing many thrifty farmers to the state. In 1894, he was the honorary chancellor of Union College, New York, delivering the annual address. This college at the same year conferred upon him the degree of LL. D.

Senator Carey, since his retirement from the senate, has been actively engaged in business. In 1877 he married Louise, the only daughter of Edward C. David, then surveyor general of Wyoming. He has two sons Robert D. and Charles D. Carey.

A Columbian Exposition commission of five members was created by the first state legislature. Two of the members were named in the act, one being the state engineer and the other the alternate commissioner from the northern part of the state. The governor was authorized to appoint the other three members and an appropriation of thirty thousand dollars was made to defray the expenses of arranging an exhibit of Wyoming's products at Chicago in 1893. One third of the appropriation was made available in 1891; one third in 1892, and the remaining third in 1893. The act provided that not more than ten thousand dollars should be expended in the erection of a state building, which was to be

sold when the exposition was over and the proceeds turned into the state treasury. Several acts, made necessary by the change from a territorial to a state government, were passed and a probate code was adopted.

In the organization of the supreme court, Willis Van Devanter was made chief justice. He resigned on October 15 and Herman V. S. Groesbeck became chief justice; Homer Merrill being appointed associate justice to fill the vacancy caused by Judge Groesbeck's advancement. On November 24, Governor Warren resigned in order to take his place in the United States senate. By the provision of Section VI, Article IV, of the constitution, "If the governor be impeached, displaced, resign, or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office, or be absent from the State, the secretary of state shall act as governor until the vacancy is filled or the disability removed." Under this provision Secretary Barber became the governor of Wyoming.

Amos Walker Barber was born at Doylestown, Bucks county, Penn., July 25, 1861. He attended the Doylestown academy, and graduated from the literary and medical departments of the University of Pennsylvania in 1883. For some time he was resident physician of the university hospital, and on the staff of the children's hospital of Philadelphia. In 1885 he took charge of the hospital at Fort Fetterman and was soon afterward appointed an assistant surgeon in the United States army. The following year he resigned from the army and was for three years with the Wyoming Stock Association. In 1889 he began general practice at Cheyenne. He soon became prominent in the councils of the Republican party and when the state was admitted he was nominated and elected the first secretary of state. His prompt action in 1891, in calling out the militia, averted an outbreak of the Indians of Pine Ridge agency, in South Dakota, but not far from the Wyoming line. He contributed a number of articles to Harper's Weekly, while the contest for statehood was going on, that showed him to be abreast of the times in political ideas.

In October, 1891, an agreement was made with the Shoshone and Arapahoe Indians, by which one million one hundred thousand acres of the Wind River reservation was ceded to the United States. The Indians were to receive six hundred thousand dollars for the lands thus relinquished. A cash payment of fifty thousand dollars was to be made to the tribes and the remainder was to be invested for their benefit, the interest to be paid in cattle and in the construction of irrigating ditches and the establishment

of schools. The lands were to be opened to settlement as soon as the agreement was ratified. The agreement was not ratified by congress, owing to opposition by the people of the surrounding country.

In April, 1892, occurred what has since become known as the "Cattle War" between the ranchmen and the "Rustlers." Some years before an English syndicate, having a ranch near the head of the Powder river, became involved. While the affairs of the company were in the courts, little attention was paid to the care of the cattle belonging to the ranch. Seeing the circumstances, certain unscrupulous persons took advantage of the situation to build up herds of their own by branding the calves that were really the property of the syndicate. This was the origin of the "Rustlers." Finding it easier to brand calves belonging to others than to go to the trouble and expense of raising them, the "Rustlers" became more audacious, and soon no one's herd was safe from their forays. It frequently happened that a cowboy, in the employ of some of the large ranchmen, was the ally of some "Rustler" and connived at the appropriation of the unbranded cattle in his employers' herds. To discharge the dishonest cowboys, as was often done, did not always improve the conditions, for the discharged employe generally became a "Rustler" on his own account. Not all those classed as "Rustlers" were dishonest, however. Some were small ranchmen and farmers, who, while conducting their business in a way that was perfectly legitimate, had a grievance against the large ranchman, and co-operated with the "Rustlers" in the matter of round ups, etc. On the other hand not all of the large cattlemen were perfect, and the policy some of them inaugurated against the small stockman and farmer often amounted to downright persecution.

The immediate cause of the disturbance grew out of the spring round ups. Under the laws of Wyoming, as they were at that time, the Cattle Growers Association would hold a three days' session every spring at Cheyenne, adopt plans for the annual general round up, after which the supervision of the round up passed to the state live stock commissioner. At the spring meeting in 1892, the association divided Northern Wyoming into three districts, and fixed the date of the round ups as follows: In the Upper Powder river district, on May 25; in the Crazy Woman district, on May 30, and in the district known as the "Divide," on the 1st of June. D. R. Tisdale was appointed commissioner of the first named district; W. J. Clark, of the second, and A. R. Powers, of the third. Another organization, called the Northern Wyoming

Stock Growers Association, ignored the action of the Cattle Growers Association, and fixed upon May 1, 10, and 20, for the round ups in the respective districts. This course was clearly illegal and some of the law abiding citizens of Johnson county had begun proceedings to enjoin the round ups when hostilities commenced.

Reports had gained circulation that the "Rustlers" had organized to get rid of the cattlemen, and some of the large ranchmen determined to retaliate. About the middle of April a company of "Regulators" was organized to prevent the illegal round ups and, if possible, bring some of the leaders of the "Rustlers" to justice. It so happened that this company had in it about twenty Texans, who had left their native state to participate in the opening of the Indian reservation in Oklahoma, but not being fortunate enough to secure good claims had gone over into Wyoming. From this incident grew the rumor that the cattlemen had a body of "hired mercenaries" from other states. The objective point was Buffalo, the county seat of Johnson county. News of their coming, preceded them and the sheriff of Johnson county, W. J. Angus, organized a posse to receive them. Many of the men in the sheriff's posse were highly indignant at what they termed an "armed invasion," and the outlook for the "Regulators" was rather discouraging, to say the least.

The sheriff and posse came upon the "Regulators" on Powder river and they exchanged a good many shots, but fortunately on account of the long range, no serious damage was done. In the meantime Governor Barber had made a requisition to the president of the United States for the troops under the *posse comitatus* law, and in the midst of the battle, Colonel Van Horn, then in command of Fort McKinney appeared with a detachment of the Sixth United States cavalry. At his request all firing ceased and after some parleying the ranchmen agreed to surrender to the United States army but not to Sheriff Angus. To this Sheriff Angus consented.

Elbert E. Hunter, of Laramie, in an interview at St. Louis at the time, thus depicts the conditions growing out of the conflict:

"For several years the small ranchers, some raising cattle and some engaged in agriculture, have been pushing north into the region hitherto given up to the large grazers. The farmers are regarded by the range men as their most dangerous enemies. They take up and fence claims along the water, rendering the back country useless, as it cannot be converted into agricultural



land and is without value for grazing purposes if access to the streams is cut off. The others are nothing but cattle and horse thieves. They buy a few head of cattle, call a round up ahead of the regular time, and brand every big calf they find. It was against these men that the vigilance committee was directed. But at the same time the small farmers were annoyed, and they made common cause and defeated the raid. If the United States troops had not come in, not a man of the vigilance committee would have been left alive."

It is quite probable that the facts of the case were fairly presented in that interview. Sheriff Angus made a demand upon Colonel Van Horn, the commandant at Fort McKinney, for the prisoners, but inasmuch as several hundred "Rustlers" had crossed over from Montana into Wyoming, the colonel refused the demand, fearing violence if they were surrendered to the civil authorities. The war department ordered the prisoners turned over to Governor Barber, to be conducted under military escort to Cheyenne. Upon this proceeding a number of prominent citizens of Johnson county united in a telegram to the president, setting forth that: "We do solemnly affirm that, contrary to all laws of God and man, an armed body of capitalists with hired war men have entered our country with an open and avowed intention of taking possession of and controlling the same in their own interests; that we believe their aim was to terrorize and depopulate the country to their own aggrandizement, to murder and kill any persons and all persons resisting them, regardless of reputation or calling; that they have been detected in the act of commitment of such murder and killings; that they have with fire-arms resisted arrest by the civil authorities, and have defied all the laws; that when surrounded by the sheriff's posse and their capture certain, they were arrested by the military, which military is now ordered to escort them in safety to the railroad. The band comprises some of the wealthiest people of the State, and they openly aver their wealth will buy protection from the government. Our people have been calm, patient and miraculously submissive to law and order all through their troubled ordeal. They ask not for vengeance but justice. . . We pledge our honor that nothing has occurred to occasion alarm of bodily injury to the prisoners from the populace and we believe that such information is false and maliciously intended to injure our people and defame their loyalty to the cause of the government and we believe there is none intended. We most respectfully ask, 'Will it be the pleasure of the President to receive a

committee of our people who desire to explain the true condition of our country and how grossly our people have been maligned?"

The telegram was signed by C. J. Hogerson and Charles M. Devoe, commissioners of Johnson county; W. P. Keys, county clerk; W. J. Angus, sheriff; W. H. Penn, postmaster at Buffalo; W. J. Thom, cashier of the First National Bank, at Buffalo, and Alvin Bennett, county attorney. It was sent on Saturday, April 17, and the next morning the prisoners, forty-two in number, left Fort McKinney, in the midst of a driving snow storm, for Cheyenne. They were guarded by one hundred and fifty troops until they reached Douglas, one hundred and sixty miles away, on the 24th. There they were placed in charge of Major Egbert, with a detachment of the Seventeenth infantry, who took them by special train to Fort Russell and there placed them in confinement.

On April 27, a formal demand for the prisoners was made upon Governor Barber by the Johnson county authorities. Governor Barber refused, saying that they would be turned over to the county, but not until peace and order was fully restored. When the news of the governor's refusal reached Buffalo, an indignation meeting was held and the most scathing resolutions of denunciation were passed. It seems that, on March 23, some weeks before the riot, the governor had issued orders to the officers of the militia to obey no calls from sheriffs or mayors. His reason for such action was that there was no appropriation made for expenses of the troops in such cases, but that did not help him in the emergency that followed. He was accused of aiding and abetting the "Regulators" by refusing to allow the local authorities to call out the militia.

On April 25, the Johnson county commissioners, the sheriff and the county attorney authorized the publication of the following notice in the Cheyenne *Leader*: "Notice, To Henry Blair, Dr. Harris, the Murphy Cattle Company, and Other Owners of Cattle Ranging in Johnson County: The authorities of Johnson county invite and desire that all owners of cattle ranging in this county who have either personally or by foremen participated in the late armed invasion into this county to send suitable, trustworthy and discreet persons to their ranches to attend the rounding up and preservation of their property. The undersigned pledge to them the resources of the county in the protection of their interests here. We would suggest that there are numbers of cowboys here who have not been branded as outlaws or black-balled by the Stock Association and who will gladly work and help round up the cattle during the coming season."

Criminal informations were filed in Johnson county against the "Invaders," a change of venue was granted to Laramie county; and after an ineffectual effort was made, extending over several days, to procure a jury, the case was dismissed on a motion of the county attorney and the defendants were discharged. There ended what was known as the cattle war.

It has been twelve years since the event just related, happened, and now the story may be told without feeling or prejudice, which was impossible soon after its happening. Popular tribunals (and the "Invaders" were one) have been common in the settlement of new countries. They do not arise and can not exist where officers are keen to do their duty in the enforcement of the laws. At this late day it may be truthfully said that the organization known as the "Invaders" did not organize to disturb small farmers or ranchmen or settlers of any kind, but to drive out and destroy if necessary those who were preying upon the cattle herds, large or small. They were after cattle thieves. Some of the best men of the state were active participants. Men of the highest character and standing were enrolled. Some of these owned and controlled large herds of cattle, others only a small number. These men had appealed to the officers of the law in vain. They had become desperate, and it is believed that if the ranchmen and farmers of Johnson county had been advised in advance of their coming and purpose, they would have assisted and would not have offered resistance. They had been no small sufferers from the same cause as the cattlemen. The "Rustlers" first learned of the coming of the cattlemen by discovering them in Johnson county and from rumors they knew it boded them no good. They sent out couriers in every direction to say that an armed body of invaders were coming into the country to drive the small ranchmen and farmers from their homes. The news spread like wild fire. All was excitement and in a few hours hundreds had assembled to give battle to the "Invaders." Much bad feeling was engendered but happily it has passed away. A few years ago the legislature of the state made an appropriation to relieve Johnson county of the indebtedness in part created at the time of the invasion. Some known as "Invaders" were among those most urgent that the appropriation should be made.

In 1892, Wyoming, for the first time, participated in the election of a president of the United States. Both parties held conventions early in the season and selected delegates to the national conventions. Among the delegates to the state conventions were several women. The Republican delegates were instructed to

support President Harrison for a re-nomination. The resignations of Governor Warren and Chief Justice Van Devanter made it necessary to elect officers to fill the unexpired terms. In September the Republicans met and nominated Edward Iverson for governor and Carroll H. Parmelee for supreme judge. The Democrats and Populists joined in the nomination of John E. Osborne for governor and Gibson Clark for supreme judge, and the Prohibitionists placed a ticket in the field with William Brown as their candidate for governor. The Republicans carried the state on the presidential ticket, but the Fusion candidates for the state offices were elected. For president the Harrison electors received 8,454 votes to 7,722 cast for the Weaver electors. Osborne, for governor, received 9,290 votes; Iverson, 7,509, and Brown, 416.

On December 2, the newly elected governor presented himself at the capitol and announced that he was ready to assume the duties and responsibilities of the office. Acting Governor Barber refused to recognize Osborne as governor of the state until he should show a certificate of election and qualify in the regular way. A carpenter was secured, the fastenings of a window removed, and in this way Osborne gained admission to the governor's rooms. The trouble was finally amicably adjusted and Barber retired.

John Eugene Osborne, the third governor of Wyoming, after its admission as a state, was born at Westport, Essex county, N. Y., June 9, 1858. While attending the Westport high school he worked in a drug store during his vacations. This occupation led him to adopt the profession of physician and in 1880 he graduated with honors from the medical department of the University of Vermont. Soon after graduating he decided to go West and located at Rawlins, Wyo., where he opened a drug store and began the practice of medicine. For five years he was an assistant surgeon of the Union Pacific railroad. In 1882 he established a wholesale department of his drug business and in 1884 he engaged in raising live stock on an open range. In this business he was quite successful, becoming in a few years the largest individual sheep owner in the state. In 1882 he was elected to the territorial legislature, as a Democrat, and in 1888 was elected mayor of Rawlins. The same year Governor Moonlight appointed him on the board of penitentiary commissioners. In 1892, the same year he was elected governor, he was a delegate to the Democratic national convention, and was again selected as a delegate to the national convention of 1896. He declined a re-nomination for governor in 1896, preferring to give his time



and attention to his growing business interests, though he was pressed into service by his party as a congressional candidate and was elected. He was twice supported by the Democrats in the Wyoming legislature for United States senator. In business he was president of the Rawlins Drug Company; the Rawlins Electric Light Company, and the Rawlins Hotel Company; secretary of the Rawlins Wool Storage Company; owner of the Rawlins opera house and several other buildings. With all these duties to look after he still found time to practice his profession. He was prominent in Masonic circles, being a member of both the chapter and commandery. He was one of the youngest men ever elected to the office of governor in the United States.

The second state legislature was convened on January 3, 1893. In the organization of the two branches, F. W. Mondell was elected president of the senate and L. C. Tidball, speaker of the house. Among the acts passed during the session was one adopting a great seal of state. The seal was to be two and one fourth inches in diameter. On the front was a pedestal showing an eagle resting upon a shield. Engraved on the shield was a star and the figures "44," Wyoming being the forty-fourth state admitted into the Union. Standing upon the pedestal was the draped figure of a woman, modeled after the victory of the Louvre, from whose wrists dangled the links of a broken chain. In her right hand she held a staff, from the top of which floated a banner with the words "Equal Rights" thereon, all suggesting the political status of woman in Wyoming. On either side of the pedestal stood the figure of a man, one representing the live stock and the other the mining interests. In the back ground, were two pillars, each bearing a scroll. On the scroll encircling the left hand pillar were the words "Mines" and "Oil," and on the right hand the words "Live Stock" and "Grain," indicative of the principal occupations and products of the state. At the base of the pedestal were the figures "1869-1890," the former showing the date that Wyoming was organized as a territory and the latter the date of admission to statehood. The following resolution was adopted:

*"Resolved,* By the second legislature of Wyoming, that the possession and exercise of suffrage by the women of Wyoming for the past quarter of a century has wrought no harm and has done good in a great many ways; that it has largely aided in banishing crime, pauperism, and vice from this State, and that without any violent or oppressive legislation; that it has secured

peaceful and orderly elections, good government, and a remarkable degree of civilization and public order, and we point with pride to the facts that after nearly twenty-five years of woman suffrage, not one county in Wyoming has a poorhouse; that our jails are almost empty, and crime, except that committed by strangers in the State, almost unknown, and as the result of experience we urge every civilized community on the earth to enfranchise its women without delay."

The resolution was adopted without a dissenting vote and the governor was instructed to send a copy of it to the legislature of every state and territory, and to every legislative body in the world.

The Columbian Exposition commission did its work well. The commission found they could use the money appropriated to better advantage than consuming any of it in the erection of a building. Few states presented as varied a collection of products as did Wyoming. In the mineral line she showed gold, silver, copper, aluminum, sulphur, borax, soda, asbestos, stones for grinding, polishing and lithographing, kaolin, coal, coke and several kinds of oils. Speaking of this exhibit, and the part Wyoming took in the exposition, Governor Richards said in his message to the third legislature: "The appropriation of thirty thousand dollars made by the first legislature enabled our commissioners to make a very creditable display of Wyoming's mineral and agricultural resources in 1893 at the World's Columbian Exposition. Wyoming's exhibit of coal, iron, petroleum, soda and ores of precious metals in the mineral department was of sufficient magnitude to attract the highest commendation of eminent authorities on these subjects. Reference is made to several of their reports under the head of mining. While there has been no first awards made on any of the exhibits at the exposition, the judges concede that Wyoming was entitled to the first award of any State or nation on wheat, having the greatest number of points in its favor on this production. The commissioners employed their utmost efforts to secure a fine collection and deserve high praise for the manner in which they exercised their trust. The exhibit was returned to Wyoming, but it is to be regretted that suitable rooms have not been provided in the capitol building where this valuable collection can be kept intact and additions made to it from time to time."

The reports referred to by the governor were those of J. D. Weeks and J. A. Proctor, two of the World's Fair judges. Mr. Weeks said: "Wyoming is the only place in the United

States where glass is made, all the materials of which, including the soda, are natural products obtained in the immediate vicinity of the works." The report of the same judge on oils said: "These oils are exceedingly interesting as indicating the wide range of territory, nearly two thirds of the State, in which oils may be found." Mr. Proctor's report dealt chiefly with the subject of coal and coke. "Coke," said he, "has been made of fair quality and it is believed that by washing and disintegrating a coke suitable for the metallurgical requirements of the Black Hills district can be found."

The Wyoming World's Fair commissioners were A. C. Beckwith, Henry G. Hay, Asa S. Mercer and John J. McCormick. The lady managers were Mrs. F. H. Harrison and Mrs. F. E. Hale, with Mrs. E. A. Stone and Miss G. M. Huntington as alternates. All worked in harmony with the state commissioners to give Wyoming an advertisement that would attract capital and settlers to her borders. How well they succeeded subsequent events have shown.

Wyoming received thirty-two awards on minerals, ores, native metals, gems and crystals, coal, coke, lime, graphite, gypsum, soda, salt, sulphur and petroleum. In the agricultural department the state received twenty-two awards; the principal prize winners being wheat, oats, barley, buckwheat, flax, grasses of various kinds, potatoes and wool. The mineral exhibit was returned to the state and stored for awhile in the basement rooms of the capitol. The agricultural exhibit was turned over to the state university for safe keeping, and the photographs of Wyoming scenery were hung in the offices of the capitol.

Three tickets were nominated in the campaign of 1894. The Republican ticket was as follows: For governor, William A. Richards; secretary of state, Charles W. Burdick; auditor, William O. Owen; treasurer, Henry G. Hay; superintendent of public instruction, Miss Estelle Reel, who had been for four years superintendent of the schools in Laramie county. The platform adopted by the Republican convention renewed allegiance to the cardinal principles of the Republican party; declared in favor of liberal pensions to disabled veterans; the free and unlimited coinage of silver at the ratio of sixteen to one; the doctrine of protection and reciprocity as expressed in the McKinley tariff bill; opposed the Democratic doctrine of free trade; denounced the Wilson tariff bill as unwise and un-American, and recommended the restriction of immigration in the interests of American laborers, and the establishment of courts of arbitration in labor disputes.

The Democratic convention nominated William H. Holliday for governor; Caleb P. Organ, for secretary of state; J. M. Fenwick, for auditor; George Bolin, for treasurer, and A. J. Matthews, for superintendent of public instruction. The resolutions adopted, regarded the tariff question as being settled on the basis of a tariff for revenue only; accepted the Wilson tariff bill as but a partial fulfillment of Democratic promises; demanded the free and unlimited coinage of silver at a ratio of sixteen to one; favored an income tax and the election of United States senators by the people; commended the action of congress in admitting Utah to statehood, and opposed secret political organizations.

The third ticket was that of the Populists and was made up as follows: L. C. Tidball, for governor; D. W. Elliott, for secretary of state; J. F. Pierce, for auditor; W. F. Williams, for treasurer, and Mrs. S. H. Roehm, for superintendent of public instruction. In September, Gibson Clark resigned his position as associate justice on the supreme bench, which action necessitated the election of some one to fill the vacancy. The Republicans nominated Charles N. Potter, the Democrats, Samuel T. Corn, and the Populists, W. T. O'Connor. The entire Republican ticket was elected in November; the vote for governor being as follows: Richards, 10,149; Holliday, 6,965; Tidball, 2,176.

At the election in 1892, the miners' hospital had been located, by popular vote, at Rock Springs, in Sweetwater county. The legislature of 1893 made an appropriation of twenty-five thousand dollars for the erection of buildings and the institution was opened in October, 1894.

William Alfred Richards, the fourth state governor of Wyoming, was born March 9, 1849, at the little village of Hazel Green, Grant county, Wis. Although his opportunities to acquire an education were limited he was a diligent student and succeeded where many others would have failed. In 1863 he left home and joined his elder brother who was then serving in the Army of the Potomac. He wanted to enlist but was refused on account of his age. He determined to remain at the front, however, and found employment as an ambulance driver. Returning to Wisconsin in 1866 he engaged in teaching in the common schools of that state and Illinois until 1869 when he went to Omaha, Neb., and accepted a position with a large lumber firm. His next venture was with a party of government surveyors and while with them he became a competent surveyor. Returning to Omaha, he studied law in the office of Judge Wakely and was admitted to the bar. But the free life of a surveyor had more attractions for



him than the forensic contests of the court room and for the next seven years he was employed on the survey of the boundaries of Wyoming and the public surveys of Nebraska. In 1876 he went to California and while there was elected county surveyor of Santa Clara county. Failing health compelled him to leave California in 1881 and he went to Colorado Springs. Within a year his health was so far improved as to enable him to follow his profession and he was elected surveyor of El Paso county and city engineer of Colorado Springs. In 1884 he returned to Wyoming, located in the Big Horn valley, one hundred and seventy-five miles from the nearest railroad station, and undertook the task of reclaiming a tract of arid land for a home. He was one of the first men to practically demonstrate the advantages of irrigation, his farm soon becoming recognized as one of the best in the state. In 1889 he was made manager for a large cattle company and while thus employed, he was appointed surveyor general for Wyoming and removed to Cheyenne. When President Cleveland came into office he removed Mr. Richards, but the acquaintances he had formed while in the office of surveyor general did not forget him, and in the Republican convention of 1894 he was unanimously nominated for governor. He was inaugurated on January 8, 1895, at the beginning of the legislative session. During his term, occurred the trouble with the Bannock Indians in which he demonstrated his ability to handle affairs requiring promptness and cool judgment. In 1901 he was appointed by President McKinley an assistant commissioner of the general land office to open the Indian reservation in Oklahoma.

The third state legislature assembled on the eighth of January, 1895. George W. Hoyt was elected to preside over the senate and the honor of the speakership was conferred on Jay L. Torrey. United States Senator Warren's term expired on March 3, 1893. The second legislature failed to elect his successor and after the adjournment Governor Osborne appointed A. C. Beckwith to the vacancy. The senate decided that the failure of the legislature to elect did not justify the governor in appointing, and that under the conditions Beckwith was not entitled to a seat in that body. Before the decision was reached, however, Senator Beckwith had resigned and Wyoming was represented by one senator until the meeting of the third legislature. As Senator Carey's term was to expire in March, 1895, it devolved upon the third legislature to elect two United States senators. Some opposition to Senator Carey had developed because of his votes against the free coin-

age of silver and he was defeated in the Republican caucus, the nominees being Clarence D. Clark for the short term and ex-Governor Warren for the long term. The joint session for the election of senators was held on January 22. Clark received 47 votes to 6 for S. T. Corn, and Warren received the same number to 6 for William H. Holliday.

Clarence D. Clark was born in Oswego county, N. Y., April 16, 1851. He was educated in the common schools and the Iowa state university. In 1874 he was admitted to the bar and for the next seven years practiced law in Delaware county, Ia. He removed to Evanston, Wyo., in 1881 and was soon afterward elected prosecuting attorney of Uinta county, holding the office for four years. In 1890 he was appointed associate justice for the territory but declined the office. In the autumn of the same year he was elected to congress from Wyoming upon its admission to the Union, and was re-elected in 1892. He was defeated for a third term in 1894, and the succeeding January was elected to the senate. Six years later he was re-elected to the senate for the term expiring in 1905.

About the middle of July a party of Bannock Indians belonging to the Fort Hall, Idaho, reservation came into Wyoming to hunt. In the country just south of the Yellowstone National park they began an indiscriminate slaughter of game and the constable of Jackson's Hole, with a posse of thirty-five men, started out to arrest them for violation of the Wyoming game laws. Nine Indians were arrested but on the way back to Jackson's Hole they tried to escape with the result that one was killed and six were wounded, two of the wounded Indians afterward dying. The Bannocks began at once to assemble in force at Hoback canon, bent upon avenging the death of their fellows. With them were a number of Lemhis, the whole crowd being egged on by Jim Ballard, who was regarded as the most dangerous Indian on the Fort Hall reservation. The settlers became alarmed and called on the governor for assistance and protection. Governor Richards sent the adjutant-general to Jackson's Hole to investigate and report, and at the same time notified the secretary of the interior of the uprising and asked that the Indians be returned to their reservation. The war department telegraphed General Coppinger, commanding the department of the Platte, to hold troops ready to go to the scene on short notice, but further than this no action was taken by the Federal government. On the morning of July 24 the adjutant-general sent the following telegram to the governor: "Met Indian captain of police hurrying out with all

possible speed. Saw him again last night. He says he can not control the Indians, who will fight the settlers at noon to-day."

Matters now began to look serious and Governor Richards demanded to know if the government intended to return the Indians to the reservation, or whether it would have to be done by the state. Indian Agent Teter, at the Fort Hall agency, reported that the Indians refused to obey an order to return and the war department sent General Coppinger with a battalion of cavalry to enforce the order. Meantime the settlers fortified themselves as best they could and prepared to resist an attack that they felt certain was to come. At Lander, the county seat of Fremont county, a volunteer company of a hundred men was raised in a few hours to go to the assistance of their neighbors. For some reason the attack was not made at the time it was threatened which gave the soldiers time to reach the scene of the disturbance before plans for a second attack could be matured. Besides the battalion of cavalry already mentioned five companies of infantry were ordered from Fort Russell. They left Cheyenne at eight o'clock on the evening of July 27, by special train over the Union Pacific railroad. That night the scouts reported several Indian camps in the vicinity of Hoback canon and the general opinion was that the attack was to be made the next day. If so the arrival of the troops forestalled such a movement, for the Indians retired upon the approach of the military and returned to their reservation.

Indian Agent Teter gave it as his opinion that the constable of Jackson's Hole was responsible for the greater part, if not all, of the trouble, and a deputy United States marshal was sent to investigate. His report rather upheld the Indians. Article IV of the treaty made at Fort Bridger on July 3, 1868, provided that "The Indians herein named agree, when their agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon and so long as peace subsists among the whites and Indians on the borders of the hunting districts."

Under their treaty rights the Bannocks claimed the privilege of hunting on the unoccupied lands of Wyoming. The settlers insisted that the Indians had exceeded their privilege by hunting on lands that were occupied. There was no doubt that the Indians had been guilty of the wanton destruction of game and

the question was raised as to whether they were amenable to the game laws of the state. This had been the primary cause of all the trouble, for in his attempt to uphold the game laws the constable of Jackson's Hole arrested the violators and shot some of them when they tried to escape. In order to establish the rights of the state in the matter a suit at law was decided on, and on October 3 an Indian by the name of Race Horse was arrested by the sheriff of Uinta county, upon a criminal warrant charging him with the unlawful and wanton killing of seven elk in July previous. Being unable to furnish bail the Indian was lodged in the jail of Uinta county and four days later his attorneys filed in the United States circuit court for the district of Wyoming, a petition for a writ of habeas corpus, the application being based on the treaty rights of 1868. The case was heard in the circuit court on November 21 and that tribunal decided that the "provisions of the state statute were inconsistent with the treaty, and as the latter, under the Constitution, was paramount, the statute could not be enforced against the Indians, and that Race Horse should be discharged from custody."

An appeal was taken at once to the supreme court of the United States, where it was argued in March, 1896, and on May 25 the court rendered the following decision: "The provision in the treaty of February 24th, 1869, with the Bannock tribe of Indians, that they 'shall have the right to hunt upon the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts,' was intended to confer a privilege of merely limited duration, and was repealed by the subsequent act admitting the territory of Wyoming into the Union, with the express declaration that it should have all the powers of the other States, and making no reservation in favor of the Indians."

The case was an interesting one, in that it raised a question never before passed upon by the courts, and an important one because it established the dominion of Wyoming over the unoccupied land within its limits, and furnished the ultimate solution of the Indian problem within its borders.

In the political campaign of 1896 the only state officer to be elected was an associate justice of the supreme court. The Republicans met in convention at Sheridan, on May 15, and selected delegates to the national convention at St. Louis. The platform adopted denounced President Cleveland's administration for its free trade policy, especially the free wool clause of the



Wilson bill; declared the paramount issue to be "protection to American labor and American industries;" reaffirmed allegiance to the principles of bimetalism; instructed the delegates to sustain that policy at St. Louis and to vote for William McKinley of Ohio for the presidential nomination. Another convention was held on August 13, at which H. V. S. Groesbeck was nominated for justice of the supreme court and a resolution adopted, declaring in favor of the free coinage of both gold and silver under such legislation as would guarantee that all money should be on an equality.

On May 28 the Democrats met in convention at Laramie, selected delegates to the national convention, nominated Samuel T. Corn for justice of the supreme court, and adopted the following platform:

"WHEREAS, The paramount issue before the American people is the currency question, therefore be it

"Resolved, That we, the Democracy of Wyoming, in convention assembled, demand the free and unlimited coinage of silver and gold into primary redemption money at the ratio of sixteen to one, without waiting for the action or approval of any other government."

At the election in November the Democrats carried the state. For president Bryan received 10,655 votes to 10,072 for McKinley, and 136 for Levering, the Prohibition candidate. Corn was elected associate justice over Groesbeck by a vote of 10,461 to 9,985. In the legislative contest the result was different, the Republicans electing a majority of 15 on joint ballot. John E. Osborne, Democrat, was elected to congress, defeating Frank W. Mondell.

The fourth session of the state legislature began on January 12, 1897, with George E. Abbott as president of the senate and Albert D. Kelley speaker. Much of Governor Richards' message was taken up with a discussion of the subject of irrigation. The first state legislature divided the state into four water districts. The first district consisted of all that part of the state drained by the North Platte and Snake rivers and their tributaries. The second district was all lands drained by the Yellowstone and Missouri rivers and their tributaries east of the Big Horn mountains. The third district included the valley of the Big Horn and its tributaries, and the fourth all the lands drained by the Green, Bear and Snake rivers.\* Each district was to have an engineer

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\* The Snake river of the fourth district was called the Shoshone, and was not the same stream referred to in the first district.

who was to report to the state engineer the volume of water in the district and the area it was capable of irrigating. On August 18, 1894, the president approved an act of congress, known as the Carey act, granting to each state not to exceed one million acres of arid lands. By the provisions of the act the state was to cause the same to be irrigated and reclaimed so that in ten years there should be not less than twenty acres of each one hundred and sixty tract under cultivation. The Wyoming legislature accepted the conditions imposed by the measure, vested the power to select the lands in the state land commissioners, and made provision for the construction of ditches. In his message to the legislature of 1897 Governor Richards said:

"The most important measure enacted by the Third State Legislature was the law providing for the reclamation and settlement of the land granted to the State under the Carey Act. It dealt with the State's greatest problem and has attracted more attention at home and awakened more interest abroad than any other law found in our statutes.

"As Wyoming was the first State to accept the trust, and is the only State where lands have been segregated and contracts made for their reclamation, it is the only State where the success or failure of State control can be studied. . . . It has inaugurated the construction of the largest canal in the northern half of the State, the largest built in the State in ten years, and which promises to be the largest canal system in the State. . . . Although it is less than a year since the first segregation was approved, eighty thousand dollars have been expended on the Cody Canal alone. Fifteen miles thereof have been completed, 500 acres were irrigated this year, and water is ready for ten thousand acres now open to settlement. . . . The five remaining projects, approved by the State, would have slumbered indefinitely under public land laws. Of these, one segregation has just been approved by the Interior Department; one was approved less than one month ago; construction under one has been delayed pending a change in the plans to secure a more economical distribution of water, which change has now been perfected, and some construction work done. Houses are being built under this canal for the accommodation of settlers, and there is every promise of a large influx next spring.

"When contrasted with the failures of former years these results are full of encouragement. They are doubly gratifying because they have been secured in a time of financial disturbance and agricultural depression, without a parallel in the history of this

country, which has almost paralyzed every department of industry and practically suspended investments in new enterprises. They have been secured in the face of opposition at home, due to a misunderstanding of the nature and purposes of the state law, and of delays growing out of the discrepancies between the state law and the national regulations. Outside of Wyoming these obstacles have made the grant thus far a dead letter. While four other States accepted its conditions, no segregations in those States have as yet been made."

The act admitting Wyoming into the Union granted to the state more than four million acres of land. Sections sixteen and thirty-six in each township were given for the support of the common schools, and in addition to this there were given the following grants: For the state university, 72 sections; for the agricultural college, 90,000 acres; for the fish hatchery in Albany county, 5,480 acres; for the insane hospital in Uinta county, 30,000 acres; for the penitentiary in Albany county, 30,640 acres; for the reformatory in Carbon county, 30,000 acres; for the poor farm in Fremont county, 10,000 acres; for the miners' hospital in Sweetwater county, 30,000 acres; for the erection of public buildings at the capital, 107,000 acres;\* for the deaf, dumb and blind asylum in Laramie county, 30,000 acres, and for the penal, educational and reformatory institutions that might be established, 260,000 acres.

In his message to the legislature of 1897 Governor Richards reported that of the entire land grant of 4,042,011 acres, there had been selected 3,783,464 acres. The selections included all the school and university lands which were the only two grants that had been fully chosen.

Several times during her existence as a territory and state Wyoming had found it necessary to call upon the national government for soldiers to protect her people from hostile Indians or lawless white men. In the spring of 1898 there came an opportunity for her to show what she could do in the way of reciprocity. She was equal to the occasion. With the free air of her broad plains and rugged hills her people had inhaled the spirit of liberty and when congress declared war against Spain, because of the inhuman persecution of the struggling Cubans, Wyoming stood ready to do her part in carrying out the purposes of the declaration. On April 25 Governor Richards received notice from the war department that, under the call of the president for

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\* This was made in two separate grants of 32,000 and 75,000 acres, respectively.

volunteers, there had been apportioned to the state one battalion of four companies of infantry. It was also stated in the call that it was the president's desire that the men should be enlisted as far as possible from the National Guard of the state, for the reason that they were already armed, equipped and drilled. At that time the militia of Wyoming consisted of one regiment of seven companies of infantry and one battery of light artillery. As soon as the call was received Governor Richards sent word to the captains of the different companies to report at once the number of available men in their commands who were willing to enlist. The company commanders reported promptly, the four strongest companies were selected and ordered to report at Cheyenne. They were Company C of Buffalo; Company G of Sheridan; Company F of Douglas, and Company H of Evanston. Part of Company A of Laramie was also accepted and united with the Douglas company. All four of the companies arrived at Cheyenne on the 3d of May, ready for duty. A week was spent in the medical examinations and on May 10 Governor Richards telegraphed the secretary of war that the entire quota of the state had that day been mustered into the service of the United States.\*

The officers of the companies were as follows: Company C—Thomas Millar captain, James D. Gallup first lieutenant, Loren Cheever second lieutenant; Company F—John D. O'Brien captain, Harol D. Coburn first lieutenant, William H. Rouse second lieutenant; Company G—Daniel C. Wrighter captain, Hezekiah P. Howe first lieutenant, John M. Morgareidge second lieutenant; Company H—Edward P. Holtenhouse captain, Henry Ohlenkamp first lieutenant, George F. Fast second lieutenant. The officers of Battery A were as follows: Granville R. Palmer captain, Harry A. Clarke first lieutenant, James M. Gilmore second lieutenant. The field and staff officers of the Second regiment United States volunteer cavalry (Torrey's Rough Riders) were J. L. Torrey colonel, Mortimer Jesurun surgeon-major, Henry G. Golden chaplain-captain, Herbert Lacey adjutant-first lieutenant. The officers of the seven companies of this regiment were as follows: Troop C—George R. Shanton captain, Herbert J. Breese first lieutenant, Morgan F. Knodler second lieutenant; Troop E—Henry H. Austin captain, Morrel H. Baker first lieutenant, Lewis S. Magruder second lieutenant; Troop F—Willis F. Hoadley captain, Leonard L. Deitrick first lieutenant, Thomas J. King second lieutenant; Troop G—John B. Menardi captain, William Hunt first lieutenant, John H. Ivey second lieutenant;

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\* The citizens who gave the notes for the benefit of the soldiers were reimbursed by subsequent legislatures.



Troop H—Louis G. Davis captain, Charles B. Osborne first lieutenant, John H. Albro second lieutenant; Troop K—Morgan M. Maghee captain, Hugh L. Patton first lieutenant, Alva C. Rice second lieutenant; Troop L—Robert Calverly captain, Robert A. Hocker first lieutenant, Edgar D. Shurtleff second lieutenant.

There has been some dispute as to which state was entitled to the honor of being the first to respond to the call for volunteers, Minnesota and Montana both claiming it, but it is quite certain that Wyoming was the first to respond with a full quota. On May 18 the battalion left Cheyenne for San Francisco in charge of Col. Frank Foote. Governor Richards went along, at the request of the men, and remained with them until June 27, when they went on board the steamship Ohio and sailed for Manilla. They arrived at Manilla on August 2, and a few days later took part in the capture of that city. In his message to the legislature of 1899 the governor said: "While so many complaints have been heard from troops of other States, none has been received from this organization. I have not even had an application from them for discharge, but I have heard that the prevailing sentiment among them is that they enlisted for two years, unless sooner discharged, and that the War Department is best qualified to judge as to when they should be mustered out."

While Governor Richards was at San Francisco the second call for troops came. Under that call Wyoming was asked to furnish a battery of light artillery. Official notice of the apportionment was received by Acting Gov. Charles W. Burdick on June 15 and the next day Capt. Granville R. Palmer's battery, 125 strong, was mustered into the United States service. On the day that the infantry battalion sailed from San Francisco the battery reached that city and went into camp at the Presidio. It remained there until November 8 when it embarked for the Philippines. In addition to the infantry accepted by the government seven troops of cavalry were recruited in the state and assigned to the Second United States volunteer cavalry which was organized at Fort Russell in June, 1898. The regiment left Fort Russell on June 22 for Jacksonville, Fla., in command of Col. Jay L. Torrey. Near Tupelo, Miss., their train collided with another causing the death of five of the men and injuring fourteen others. The men remained at Jacksonville until they were mustered out in October.

Whether on the firing line or engaged in the less arduous duties of camp life the Wyoming troops gave a good account of themselves. During their absence they were not forgotten and they were fortunate in having behind them a state government that

was interested in their welfare. Before the infantry left the state the men were paid from the time they were called out until they were mustered into the service of the United States. No state funds were available for such a purpose, but Governor Richards and sixteen public-spirited citizens executed notes to the Stock-growers and First National banks of Cheyenne for about three thousand dollars, the banks refusing to accept any interest for the loan. The members of the battery also were paid before their departure.

When, in August, 1899, the news reached Wyoming that the boys in the Philippines were about to be discharged, popular sentiment demanded that the state provide transportation for them from San Francisco to their homes. Other states had done so, why not Wyoming? Again there were no state funds that could be used and again the public-spirited men of Wyoming came to the rescue by giving notes for nearly five thousand dollars in order that the brave boys who had dared and suffered in a foreign clime might save their travel allowance for their personal needs.\*

Governor Richards, in his message to the legislature of 1901 recommended the giving of a medal to each man who participated in the war in the Philippines. He said: "The heroic service of our troops in the Philippines has won the admiration of the nation and is a just cause for a pardonable State pride. Too much cannot be said in praise of the valor and unselfish devotion to the flag of the men of the State of Wyoming, who, at the first call to arms, offered themselves as champions of our country's cause. Other States whose sons shared with ours the triumphs of war, in appreciation of their soldiers' services, have fittingly rewarded them; and, in fulfillment of a promise made to our troops upon their arrival at San Francisco from Manilla, I most earnestly recommend that an appropriation of seven hundred and fifty dollars be made to provide suitable medals for the men who upheld the honor of the Stars and Stripes and the State of Wyoming upon a foreign soil, and that every man who participated in the Philippine campaign be presented with a medal properly inscribed with his name."

Two years later, in referring to the same subject, he said in his message: "Pursuant to my recommendation, the Legislature of 1901 appropriated the sum of seven hundred and fifty dollars, to provide medals for the Wyoming Volunteers who served with honor in the Philippine campaign. An artistic and durable design

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\* As a matter of fact the number of men mustered in exceeded the apportionment by more than one hundred. The call was for 231 men, but 338 were accepted.

was finally selected and appropriate medals were cast at San Francisco. Each was suitably inscribed with the name of the recipient, and enclosed in a handsome case. Of the 300 men entitled to medals, 251 have received them. When the Wyoming troops were mustered out of the service, a number of men disappeared, and, up to the present time it has been impossible to locate all of them, although a strong effort has been made to do so. Applications continue to be received at the Governor's office from men seeking medals, and as fast as the honorably discharged men are heard from, medals are sent to them by registered mail."

In addition to this token of appreciation the Wyoming Volunteer Aid Society, an organization composed of the patriotic women of the state, inaugurated a movement to erect a monument to the memory of those who sacrificed their lives in the line of patriotic duty. Other states furnished more men than Wyoming, but no man departed himself with greater courage and fortitude, and none occupies a higher place in the esteem of the people of the state that sent him to the front.

From June 1 to November 1, 1898, the Trans-Mississippi Exposition was held at Omaha, Neb. Although the governor recommended to the legislature of 1897 an appropriation for the purpose of making an exhibit showing Wyoming's resources and progress no such provision was made. An effort was then made, to have each county in the state prepare an exhibit of its own, and to contribute to a fund, in proportion to the assessed valuation of the property in the county. Governor Richards took an active interest in the matter, urging every county to join in the movement. Some of them promptly pledged the amounts but others failed to respond and the plan was abandoned. While it was being tried a committee, consisting of Governor Richards, State Engineer Mead, and Frank P. Graves, president of the state university, went to Omaha and selected space in the agricultural and mining buildings for the proposed exhibits. The failure of the plan to raise a fund by county contributions made it necessary to obtain some concessions. The governor visited Omaha a second time and secured a reduction of about one-half in the charges for floor space, while the railroads agreed to transport the materials for the exhibit free of charge. A collection of minerals was then made and shipped to Omaha, the men who gathered and arranged it giving their services without the expectation of compensation. The total expense of the exhibit was less than one thousand dollars, yet, notwithstanding the difficulties under which it was arranged, it attracted a great deal of attention and received

several awards. A gold medal was awarded the state for the general display of mineral products and silver medals were given for the exhibit of glass and glass-making materials, crude petroleum, and moss agate. Three silver medals were awarded private exhibitors and a gold medal was given the Union Pacific Railroad Company for its exhibit of coal. Owing to lack of funds and the time of year no exhibit of agricultural products was attempted.

In the political contest of 1898 a full state ticket was to be elected. The Republicans held their state convention at Douglas, on August 11, and nominated De Forest Richards for governor; Fenimore Chatterton for secretary of state; Leroy Grant for auditor; George E. Abbott for treasurer; Thomas T. Tynan for superintendent of public instruction, and Jesse Knight for justice of the supreme court. The national platform of 1896 was reaffirmed; the administrations of President McKinley and Governor Richards were endorsed; the annexation of Hawaii and the Dingley tariff law were approved, and faith was declared in the Republican twin measures of "Protection and Prosperity."

The Democrats and one wing of the Populist party met at Casper and nominated the following ticket: For governor, Horace Alger; for secretary of state, David Miller; for auditor, Charles H. Priest; for treasurer, Luke Voorhees; for superintendent of public instruction, J. F. Brown; for justice of the supreme court, C. E. Blydenburgh. The platform consisted of the simple declaration that the currency question was paramount, and a demand for the free and unlimited coinage of silver at the ratio of sixteen to one. The other wing of the Populists nominated E. B. Deall for governor; S. H. Seeley for secretary of state; J. F. Pierce for auditor; John W. Rouse for treasurer, and Mrs. M. A. Stocks for superintendent of public instruction. For governor, Richards received 10,126 votes; Alger, 8,660, and Deall, 377. The Republican ticket as a rule was elected by a much larger vote. The legislature of 1899, the members of which were chosen at this election, stood as follows: In the senate 13 Republicans to 6 Democrats, and in the house 35 Republicans to 3 Democrats.

De Forest Richards, the fifth governor of the state of Wyoming, was born at Charlestown, N. H., August 6, 1846. His education was acquired in the Kimball Union academy of Meriden, N. H., and the Phillips academy of Andover, Mass. At the age of nineteen he went to Alabama where for a time he was engaged in cotton planting. In 1867, when barely twenty-one years old, he was elected to represent Wilcox county in the Ala-



bama legislature. From 1872 to 1876 he served as sheriff of the same county. Upon the expiration of his term as sheriff he engaged in the mercantile business at Camden, Ala., until 1885. That year he removed to Chadron, Neb., where he started the First National Bank. The following year he went to Douglas, Wyo., and organized the First National Bank of that place, becoming president of the institution. He was elected a delegate to the constitutional convention of 1890, and in 1893 was elected to the state senate. At the time of his election as governor he was colonel of the First regiment of the Wyoming National Guard. His first administration proved so popular with the people of Wyoming that he was re-elected in 1902 by a largely increased majority.

Governor Richards was inaugurated at the beginning of the legislative session of 1899, and on January 22 Clarence D. Clark was re-elected to the United States senate for a full term of six years.

On May 16, 1900, the Republican party held a convention and selected delegates to the national convention. McKinley's administration was endorsed and congress urged to make liberal appropriations for the construction of reservoirs for the impounding the waters caused by the melting of the snows, the same to be used in the reclamation of arid lands. The Democrats selected their delegates to the national convention on the tenth of June. The platform adopted at that time declared in opposition to a large standing army; to the policy of the national administration with regard to our relations with Cuba and Porto Rico, and to the practice of allowing a few to control the public lands to the exclusion of the small settler. Wide-spread interest was taken in the campaign, though the presidential candidates and the issues were the same as four years previous. This year the Republicans carried the state by substantial majorities, the vote for president being 14,482 for McKinley to 10,164 for Bryan. In the legislature of 1901 the Republicans elected 18 members of the senate and 35 of the house, while the Democrats elected but 1 of the former and 2 of the latter.

That legislature assembled at Cheyenne on January 8, 1901, and organized by electing Edward W. Stone president of the senate and J. S. Atherly speaker of the house. During the session acts were passed changing the name of the Stinking Water river to the Shoshone; levying a tax of one-eighth of a mill to provide a revenue for purchasing a site and erecting a residence for the governor, and declaring January 1, February 12, Febru-

ary 22, May 30, July 4, any day the president might appoint as a day of thanksgiving, all election days, December 25, and Arbor day, legal holidays.

Regarding the Pan-American Exposition at Buffalo, N. Y., and the Louisiana Purchase Exposition the governor said in his message: "As requested by the managements, I respectfully call your attention to the fact that during the year 1901 the Pan-American Exposition will be held in Buffalo, N. Y., and that during the year 1903 an exposition will be held in St. Louis, Mo., to celebrate the centennial anniversary of the Louisiana Purchase.

"In response to a request from the management of the former exposition, I have appointed Hon. J. M. Carey and Hon. J. L. Torrey as honorary vice-presidents from this State. Mrs. F. E. Warren and Mrs. C. D. Clark have been appointed to similar positions on the board of lady managers."

The campaign of 1902 was opened by the Republican state convention at Rawlins, on July 16, at which all the incumbents of the state offices, except the treasurer, were nominated for re-election. The failure to renominate George E. Abbott for treasurer was no reflection upon him as a public official. His conduct of the office during his term of four years was all that could be asked for honesty and efficiency, but a constitutional provision prohibited the state treasurer from serving two terms in succession. The ticket was completed by the nomination of Henry G. Hay, who occupied the office of state treasurer from 1894 to 1898. President Roosevelt's administration was endorsed, and a resolution adopted favoring the early allotment of lands to the Indians of the Shoshone reservation and the opening of the unoccupied portions to homestead settlement.

The Democrats nominated Geo. B. Beck for governor; David N. Stickney for secretary of state; Dean Hays for auditor; Collin Hunter for treasurer; Mrs. Anna B. De Lario for superintendent of public instruction, and endorsed Chas. N. Porter for justice of the supreme court. The platform declared allegiance to the principles of Democracy that had stood the test of time and experience since the age of Jefferson; favored the election of United States senators by a direct vote of the people; the compulsory arbitration of labor disputes; legislation to prevent discrimination in transportation rates, and to give relief from the oppression of trusts, monopolies and combinations by removing all tariff protection from the materials that tended to strengthen such organizations.

For the first time in the history of Wyoming politics, the Socialists had a ticket in the field. It was composed as follows: For governor, Henry Breitenstein; secretary of state, Daniel P. Gates; auditor, Wm. L. O'Neill; treasurer, Frank Ketchum; superintendent of public instruction, Eloise Carroll Brown; justice of the supreme court, H. V. S. Groesbeck. The resolutions declared in favor of equal civil and political rights for men and women; the education of all children up to the age of eighteen; free text books in the common schools, and state or national insurance against sickness, accidents or loss of employment. All the Republican candidates were elected in November. Richards received 14,483 votes; Beck, 10,017, and Breitenstein, 552.

During the year 1902, great progress was made in the development of the oil fields of Wyoming. New discoveries in the Uinta county field brought it up to the proud position of the richest oil region in the world. This was true because of the fine quality of the oil, its abundance, and the fact that the wells did not have to be drilled so deep as in most of the other oil fields of the country. In one case a well less than one thousand feet deep, produced an output that was the equal in amount of many of the deeper wells in the older fields of the United States. The same was in a measure true of the Popo-Agie and Bonanza oil fields, the latter being almost equal to the Uinta county field.

The progress of irrigation, under the provisions of the Carey act, may be seen from the following extract from the governor's message to the legislature of 1903. "The Carey Land act was a novel and courageous idea, made effective by national legislation, with the object of encouraging and protecting those who desired to invest large sums of money in the reclamation of large arid wastes. It was an experiment that was looked upon by many of our most practical people as of very doubtful utility, but the results are proving the wisdom of its enactment into law. Up to the present time, 210,359 acres of absolutely desert land have been segregated; contracts made for the building of canals for its irrigation; some of the canals completed and the land occupied and placed under cultivation by actual settlers, and the prospect is that the remainder will soon be watered and ready for settlement. There is no expense to the State connected with this department except the salary of the Chief Clerk, as all other expenses are covered by the entry fees coming from the settler. The fund derived from these fees will now rapidly increase as the settler is required to pay to the State twenty-five cents per acre when he applies for his title and twenty-five cents per acre when he obtains his patent

from the State. There is now on hand in this fund one thousand and forty-seven dollars and forty-nine cents."

Not only under the provisions of the Carey act has Wyoming made great progress in the matter of irrigation, but the laws enacted by the state legislature have been very favorable to the reclamation of arid lands. Referring to the acts passed by the territorial and state legislatures, the governor said: "The water laws of Wyoming are conceded to be the best adapted to the conditions which exist in the so-called 'Arid region' of any state in the Union; and they are being copied by the Legislatures of other states where similar conditions to those in Wyoming exist. We can not be overcareful in maintaining our water laws as they are, and improving them whenever it may be possible to do so; thus perfecting, in the early days of our State's history, the title to water as attached to land. Wyoming is destined to ultimately become an irrigated empire, supporting a varied and numerous population, the principal source of whose wealth will be derived from the cultivation of the soil, in conjunction with her live stock interests. In that day water will be immensely valuable; and it is absolutely essential to the future welfare of the State that no cloud shall rest upon water titles."

The seventh state legislature, to which the foregoing message was addressed, met on January 8, 1903. Among the acts passed was one locating the state soldiers' home on the old Fort McKinney reservation, near Buffalo, and appropriating two thousand five hundred dollars to carry out the provisions of the act. The preceding legislature had made a new apportionment of senators and representatives, increasing the number of the former to twenty-three, and of the latter to forty-nine.

No provision for an exhibit at the Louisiana Purchase Exposition having been made by the legislature of 1901, and the original intention being to hold the exposition in 1903, Governor Richards took steps, in 1902, for the collection and arrangement of an exhibit. He appointed a commission of five members, consisting of H. C. Beeler, of Weston county; F. Salathe, of Natrona county; Robert H. Homer, of Albany county; E. A. Slack of Laramie county, and Aven Nelson, of the state university. This commission met and organized on January 29, 1902. E. A. Slack was elected president, and H. C. Beeler, secretary. In order to meet the immediate expenses of the commission, the governor borrowed about one hundred and forty dollars from the First National Bank of Cheyenne. Not long after the organization of the board, the managers of the exposition decided to postpone



holding it until 1904 and further work on the exhibit for Wyoming was suspended until the next meeting of the legislature. Governor Richards informed the legislature of 1903 what he had done in the matter, and that legislature endorsed his action by making an appropriation of one hundred and thirty-nine dollars and seventy cents to refund the money borrowed from the First National Bank, and another of twenty-five thousand dollars to provide for an exhibit at St. Louis in 1904. That exhibit is yet incomplete, but it is safe to say that Wyoming, in view of her success in this line in the past, and with eleven years experience and progress since the great World's Columbian Exposition at Chicago, will sustain her position in the industrial procession and eclipse all her former records.

The sixth legislature authorized the governor to appoint a committee of three members of the house and senate to investigate the question of compulsory arbitration in disputes between employer and employe, and to report to the next session some plan for legislation to accomplish the desired end. The governor appointed Senators C. A. Guernsey and C. N. Griffen and Representative Richard Butler. Before anything had been accomplished Senator Griffen removed from the state. No person was appointed to fill the vacancy and when the seventh legislature met the committee had no report to make. Referring to the matter Governor Richards said: "Our position in the sisterhood of states is exceedingly favorable for the adoption of some plan for the arbitration of the differences of capital and labor, as, because of our youth, the relations between capital and labor are, in a general way, healthy and amicable, and the feelings of each for the other have never been strained to the perilous intensity so common in the older states. In Wyoming the utter lack of class prejudice and the usual willingness of both employer and employe to meet on a common platform affords the most favorable auspices for the initiation of compulsory State arbitration, and I believe that all classes in Wyoming will look upon such legislation as beneficial to the commercial growth and development of the State."

Although one of the youngest states in the Union, Wyoming has given to her older sisters some valuable suggestions regarding the subject of local self-government. Without following established precedents she struck out boldly for herself and established her own precedents. She was the first commonwealth in the civilized world to give woman the same political rights as man. Her laws concerning irrigation and water rights have been evolved from her resources and necessities and they have become

the precedent for other states to follow. In the administration of the state affairs, she adopted a system of public accounts that has been pronounced by good judges to be superior to that of any of the other states and the only one that has succeeded in placing a state and all its counties on a cash basis, reduced expenses, and almost entirely eliminated clerical errors and official defalcations. As she has been first in all these things, so, too, she may be the first to find a solution for the problem of the adjustment of the relations between capital and labor: a problem that has vexed the industrial world ever since the application of the steam engine to production.

Gov. De Forest Richards died at his home in Cheyenne, April 28, 1903, and was succeeded as governor by Fenimore Chatterton, secretary of state. Governor Richards had been in ill health for several months previous to his death. In his canvass for re-election in the fall of 1902, he traveled over the entire state speaking in the open air several times each day. His health being impaired, there is no doubt that his death was hastened by his work and the demands made upon his failing energy and strength, by the work incident to the meeting and session of the state legislature which convened soon after his re-election.

Governor Fenimore Chatterton was born in Oswego, N. Y., on July 21, 1860. His parents were natives of Rutland county, Vt. His father was a lawyer but afterwards took a theological course at Auburn, N. Y., and entered the ministry as a Presbyterian minister. Governor Chatterton's mother died in 1867 and he was adopted by an aunt living in Washington, D. C., where he received a common school education at the Franklin public school. He read law for a year and a half with Colonel Thompson, a prominent attorney of the Washington bar. He removed to Fort Steel, Wyo., where he engaged in a general mercantile and banking business. In 1888 he was elected county treasurer and probate judge of Carbon county, and in 1890 resigned to become a candidate for the state senate. He represented Carbon and Natrona counties in the senate of the first and second state legislatures, and was elected vice-president of the senate in 1893. In 1891 he entered the law department of the University of Michigan at Ann Arbor. He completed the course in one year and received the degree of LL. B.

He was elected county and prosecuting attorney of Carbon county in 1894 and re-elected in 1896. He was elected secretary of state in 1898 and re-elected in 1902, and became governor on the death of Gov. De Forest Richards, April 28, 1903. Had Gov-

ernor Richards declined the re-nomination for governor in 1902, Governor Chatterton would probably have received the nomination. Governor Chatterton has been very active in the development of the mining resources of the Grand Encampment district in the southern part of Carbon county. He has taken quite a prominent part in the legislature of the state, since its admission, both in his capacity as a legislator and as secretary of state. In May, 1903, he was appointed president of the Wyoming Industrial Convention, the State Industrial Organization, vice Governor Richards, deceased, and was elected its president, October, 1903, and presided over two conventions at Sheridan in 1903, with great satisfaction to its members. He was married in October, 1900. He has been required to deal with several important matters since he became governor, notably the Forest Reserves, the arrest of a party of Sioux Indians for unlawfully killing game in Weston county, resulting in the death of the sheriff and his deputy, and the consideration of the Horn murder case, which has excited much interest even beyond the borders of the state. Governor Chatterton, as a governor, is proving himself to be a man of great ability, of excellent judgment and of the highest character. He has shown independence and courage. There is no doubt that his administration as governor will prove a credit to himself and the state.

## CHAPTER V

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### General Observations and Statistics

WYOMING has an area of 97,980 square miles and is the sixth largest state in the Union. It is rectangular in form, being 355 miles in extent from east to west and 276 miles from north to south. The surface is diversified, mountains, valleys, plateaus and plains intermingling with each other over the entire area, the average elevation being about 6,000 feet. From northwest to southeast the state is crossed by a line of mountains including the Shoshone, Owl River, Gros Ventre, Wind River, Sweetwater and Medicine Bow ranges. East of and nearly parallel to these ranges lie the Big Horn mountains that have figured so prominently in Wyoming history. Between the mountain chains are broad valleys, with a rich sandy soil, where grow the nutritious, native grasses that have contributed so materially to the upbuilding of the great live stock industry. By the application of irrigation these valleys are rapidly becoming the home of husbandry. An abundant supply of water for irrigation is found in the numerous streams which rise in the mountains forming the divide, and which flow in all directions. Flowing to the east, the principal streams are the North Platte, the Belle Fourche and Cheyenne rivers and their tributaries. On the western slope are the Green and Snake rivers and a number of smaller streams, while the Yellowstone, Big Horn and Powder rivers flow northward to the Missouri.

Observations for five years have shown that the mean temperature is about forty-two degrees. The highest temperature was one hundred and five degrees and the lowest thirty degrees below zero. The average rainfall was 12.58 inches. Dr. M. C. Barkwell, of the state board of medical examiners, in writing on the



climate of Wyoming, says: "The heat is never intense. In the hottest summer weather it is but a step from the heat of the sunshine into the shade, which is always cool. Sunstroke is unknown. The air in winter is clear and sharp, but easily borne and even pleasant. In the shade there is the tingle of northern cold and heavy clothing is none too warm. Its tonic effect upon nutrition is from its coolness the more marked. It is the brilliant and continuous sunshine which is much praised by mountain residents, and which is misunderstood to refer to air. The invalid who comes to Wyoming for a winter is not coming to a climate of balmy warmth, but rather, and better, to one where the bracing cold is flooded for more than three-fourths of the day with bright sunshine."

The resources of Wyoming are as diversified as its surface. Perhaps no other state in the Union has such vast and varied assortment of minerals. A catalogue, compiled by Prof. Wilber C. Knight, of the Wyoming State University, shows more than a hundred different varieties of minerals known to commerce. Gold, silver, copper and lead are found in nearly all the mountain ranges. The annual production of gold, since the opening of the first mines, in 1867, has ranged from twenty-five thousand dollars to one hundred and fifty thousand dollars. The first placer mines, that could be worked without large investments of capital, were worked out years ago. The placer fields that were left are now worked by large companies by the application of the most improved and economical means. Most of the gold found in Wyoming has been found in the quartz veins of the mountains.

About twenty-five miles south and west of the little city of Saratoga, in Carbon county, lies the Grand Encampment gold and copper region, which is one of the richest in the West. Although the first veins of any consequence were discovered as late as 1896 more than two million dollars have been invested in mining properties in the district, and expended in opening and developing the copper mines. At Battle Lake, only a few miles from Grand Encampment, are other copper mines in full operation and paying good dividends on the investments.

The largest deposits, and finest quality, of Bessemer steel ores known to man, are found in what is known as the Hartville iron range, in Laramie county. In 1900 two lines of railroad, the Burlington and the Colorado & Wyoming, were completed to these mines, and the lands leased by the Colorado Fuel & Iron Company, a corporation with a capital of twenty-five million dollars. Since that time, the development of the deposits has been

very rapid. Fine hematite ores are found two miles north of Rawlins. Iron ores of various types and qualities have been found in Crook, Uinta, Johnson, Fremont, Sheridan, Albany and Big Horn counties, and only await the construction of railroads to give up their riches to the never satisfied animal—man.

Crossing the state diagonally, from the northeast to the southwest, is the great oil belt, approximately a hundred miles in width, and containing numerous oil fields, which recent developments have shown to be equal, if not superior, to any of the older fields of the East. The great drawback to the oil industry is the lack of railroads to transport the product of the wells to market. When the time comes that transportation facilities can be provided the Wyoming oil fields will produce as much, and as fine a quality of oil as any in the country. In the state hand-book, for 1901; the secretary of state gives the following account of the development of the oil fields: "The first oil well was sunk in 1884, on Poison Spider Creek, by a Denver company. Wells were also sunk in the Rattlesnake district. But the principal wells are located on Salt Creek, a distance of fifty miles from Casper. At Casper, the Pennsylvania Oil & Gas Company has erected a refinery which has a daily capacity of 200 barrels of crude oil. The product is hauled from the wells in wagons that have a carrying capacity of 18,000 pounds, each train of wagons requiring twelve to sixteen mules. This adds greatly to the expense of production. At present the following oils are manufactured at Casper: railroad engine, railroad car, railroad valve and railroad signal. These oils are the most perfect lubricants, of high endurance, highest fire tests, and greatest body and wearing power. Besides railroad oils, the refinery manufactures other high-grade oils, viz: Stationary engine, valve, spindle oils, dynamo oils, paint oil, visco axle grease, and heavy machine oil for mowing machines. The product of eight producing wells varies in value from twenty cents to one dollar and fifty cents per gallon."\*

But coal mining has been the leading mineral industry of the state, and will probably continue to be for some time to come. Coal has been found in every county and mines are operated in all but one. In 1900, the output of the mines was, in round numbers, 4,000,000 tons, the product for each man working in the mines being 755 tons, an average exceeded by no other state. The largest coal mines in the state are at Rock Springs, in Sweetwater county, though the mines at Diamondville and Kemmerer, in

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\* The report from which the above quotation was taken was made before the discoveries in the Uinta field in 1902. See Chapter IV.

Uinta county, are a close second. The area of the coal fields already known is more than 20,000 square miles. Three railroads have been built to the richest coal deposits, and it is only a question of a few years until Wyoming will be a formidable competitor for the coal trade of the West. Coking coal of fair quality has been found in several localities and extensive coke ovens are operated at Cambria, in Weston county. Most of the coke produced finds a market in the Black Hills district, and the supply is scarcely ever equal to the demand. Wyoming stands eleventh in the order of coke-producing states, the output of the ovens being about 25,000 tons annually. A semi-anthracite coal, which is a fine fuel for domestic purposes, is mined in Johnson county.

In the Wyoming hand-book, for 1901, is the following description of the peculiar natural soda deposits that are to be found in different sections of the state: "Extensive deposits of natural soda are known in Carbon, Natrona and Albany counties. Numerous springs contain considerable soda, and at Green River a well yields a saturated solution of sodium carbonate. The deposits vary in size from a few to 100 acres, and the soda ranges from a few inches to sixteen feet, and possibly more. These deposits are chiefly sodium sulphate, but there are carbonates and possibly some bi-carbonates in some localities; along the Sweetwater River there are deposits that contain sixty per cent of carbonate. Attempts have been made to work these great deposits of soda, but so far, owing to lack of transportation facilities, they have not been successful. The sulphate, when dried and calcined, has been sold in the East for glass-making, and was used at the Laramie glass factory. With proper machinery, these great beds of soda can be utilized and would bring in a large revenue. The most valuable natural soda discovered in Wyoming is what is known as sodium carbonate, or the sal soda of commerce, and can be derived in inexhaustible quantities from wells averaging a depth of 200 feet, at Green River, the county seat of Sweetwater county, and on the line of the Union Pacific Railway. Samples of water taken from numerous wells at Green River yield an analysis of over 20 per cent of sal soda crystals."

Besides the minerals above enumerated, Wyoming has quarries of fine building stone, deposits of gypsum, plaster-of-paris, tin, mica, asbestos and aluminum, etc., that, with the building of railroads to give an outlet, will prove an almost inexhaustible source of wealth.

But the leading occupation of the future, at least for many years, is bound to be agriculture. Ever since the days of Cain and

Abel, the tiller of the soil has "found favor in the sight of the Lord." It is as true today in Wyoming as it was in the beginning. The last ten years have demonstrated that farming in Wyoming pays. Ten years ago many of the farmers were struggling along under the burden of mortgages at a high rate of interest. Irrigation has changed all that. Crops have been made certain; mortgages have been paid off and cancelled; new homes have been built; more land is every year being reclaimed; the average farmer has a bank account of his own, and the work is but barely begun. There are yet millions of acres of Wyoming lands vacant and subject to entry and settlement. As these lands are taken up, the work of irrigation becomes easier, because of the greater number co-operating, the cost of irrigation to the individual will, for the same reason, become correspondingly less, and the agricultural interests of Wyoming will be placed upon a foundation as solid as the granite of her mountains.\*

In educational work, Wyoming leads many of the older states. A larger number of teachers in proportion to the population are employed; the annual term of school is longer; the teachers, especially the women, are paid higher salaries, and the most improved systems of teaching have been adopted. A compulsory school law was enacted some years ago by the legislature, but it has never been found necessary to enforce it. Nearly 15,000 children were enrolled in 1901, and, notwithstanding some parts of the state are rather sparsely settled, school privileges are provided for all, some schools having but five pupils enrolled. In the support of the common schools the people of Wyoming have never shown a disposition to be parsimonious. The amount of funds raised by voluntary taxation has always been generous. This voluntary taxation is supplemented by a substantial income derived from the rental of school lands. For the year ending March 31, 1901, the receipts from this source reached nearly sixty thousand dollars. When it is considered that the total amount of school lands exceeds 3,500,000 acres, only a small portion of which has as yet been utilized, the possibilities for the future become apparent. The legislature of 1899 passed an act authorizing district school officers to furnish free text-books to all pupils attending the common schools. Under the provisions of

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\* As an example of what can be done by irrigation it is worthy of note that a few years ago W. J. Sturgis of Johnson county, Wyo., harvested the largest crop of potatoes ever grown on a single acre of ground. The yield was only a few pounds short of 975 bushels, of which 838 bushels were of a merchantable size and quality. He sold the product for a net profit of seven hundred and fourteen dollars, and won two prizes of two hundred and fifty dollars each, one of which was given by the state of Wyoming and the other by the *American Agriculturist*.



this law the latest and most approved text-books have been placed in the hands of practically every boy and girl in the state. As a result of her liberal educational policy, Wyoming presents as low a percentage of illiteracy among her native white population as any state in the Union.

The State University, at Laramie, is divided into the following departments: 1. A Preparatory School, where students are fitted for the regular collegiate course. 2. The College of Liberal Arts, which has a four years course, giving what is generally called a college education. 3. The College of Agriculture and Experiment Station. 4. The Normal School. 5. The School of Mines. 6. The College of Mechanical Engineering. 7. The Business College.

About two years ago there was established at Cody City in Big Horn county, the Cody Military College and International Academy of Rough Riders. The institution is owned and controlled by a corporation, of which Col. W. F. Cody, better known as "Buffalo Bill," is the president. It is directly under the charge of Gen. E. V. Sumner, and the course of study embraces all branches of military science.

Before the organization of Wyoming territory in 1868 the greater portion of it was included in the territory of Dakota. In 1867 Dakota created the counties of Laramie, Albany and Carter. These counties were re-established by the first territorial legislature of Wyoming, except that the name of Carter county was changed to Sweetwater. There are now thirteen counties in the state, the date of their establishment and organization being shown by the following table:

TABLE SHOWING THE DATE OF THE CREATION AND ORGANIZATION OF EACH COUNTY IN THE STATE OF WYOMING, TOGETHER WITH THE PRESENT COUNTY SEAT.

Counties.	Created.	Organized.	County seat.
Albany.....	Dec. 1, 1869	Dec. 1, 1869	Laramie.
Big Horn.....	Mar. 12, 1890	1897	Basin.
Carbon.....	Dec. 1, 1869	Dec. 1, 1869	Rawlins.
Converse.....	1887	1888	Douglas.
Crook.....	Dec. 8, 1875	Jan. 22, 1885	Sundance.
Fremont.....	Mar. 5, 1884	May 6, 1884	Lander.
Johnson.....	Dec. 15, 1877	May 10, 1881	Buffalo.
Laramie.....	Dec. 11, 1869	Dec. 1, 1869	Cheyenne.
Natrona.....	1890		Casper.
Sheridan.....	1888		Sheridan.
Sweetwater.....	Dec. 1, 1869	Dec. 1, 1869	Green River.
Uinta.....	Dec. 1, 1869	Dec. 1, 1869	Evanston.
Weston.....	Mar. 12, 1890		New Castle.

Of these counties the smallest is Sheridan, in the northern part of the state, and the largest is Uinta, which extends along the western boundary from the National Park to the southern limits, and is large enough to make twelve states the size of Rhode Island. Ever since the organization of the territory the increase in population has gone steadily forward. If Wyoming has had no marked "boom" neither has she had any periods of serious depression. A study of the following table will give the reader some idea of this steady growth as well as of the distribution of population. Only one county, Johnson, shows a decrease of population between any two of the census years, and the decrease in Johnson county between 1890 and 1900 can be accounted for by the creation of Big Horn county, which was partly created from Johnson, and which took a large portion of the people into the new organization.

TABLE SHOWING THE POPULATION OF WYOMING, BY COUNTIES, AT EACH UNITED STATES CENSUS SINCE 1870.

Counties.	1870.	1880.	1890.	1900.
Albany .....	2,021	4,626	8,865	13,084
Big Horn .....				4,328
Carbon .....	1,368	3,438	6,857	9,589
Converse .....			2,738	3,337
Crook .....		239	2,338	3,137
Fremont .....			2,463	5,357
Johnson .....		637	2,357	2,361
Laramie .....	2,957	6,409	16,777	20,181
Natrona .....			1,094	1,785
Sheridan .....			1,972	5,122
Sweetwater .....	1,916	2,561	4,941	8,455
Uinta .....	856	2,879	7,414	12,223
Weston .....			2,422	3,203
National Park .....			467	369
Total .....	9,118	20,789	60,705	92,531

In the matter of government Wyoming has fared well. Even in the old territorial days the Federal officers appointed by the president were usually men of more than ordinary ability, and all were men of honor and integrity. Many of them settled permanently in the new commonwealth and thus became interested in the welfare of the state, its institutions and its people. Following is a list of the principal territorial and elective state officers since the organization of the territory in 1868, with the year of appointment or election.

Governors of the territory: John A. Campbell, 1869; John M. Thayer, 1875; John W. Hoyt, 1878; William Hale, 1882; Francis E. Warren, 1885; George M. Baxter, 1886 (served from November 6, to December 20); Thomas Moonlight, 1886; Francis E. Warren, 1889.

Territorial secretaries: Edward M. Lee, 1869; Herman Glafcke, 1870; Jason B. Brown, 1873; George W. French, 1875; A. Worth Spates, 1879; Elliott S. N. Morgan, 1880; Samuel D. Shannon, 1887; John W. Meldrum, 1889.

Chief justices of the territorial supreme court: J. H. Howe, 1869; J. W. Fisher, 1871; J. B. Sener, 1879; John B. Lacey, 1884; William L. Maginnis, 1887; Willis Van Devanter, 1889.

Associate justices: J. W. Kingman, 1869; William H. Jones, 1869; J. M. Carey, 1872; E. A. Thomas, 1873; J. B. Blair, 1876; W. W. Peck, 1877; Samuel C. Parks, 1882; Samuel T. Corn, 1886; M. C. Saufley, 1888.

State governors: Francis E. Warren, 1890 (served from October 11 to November 24, and resigned to enter the United States senate); Amos W. Barber, 1890; John E. Osborne, 1892; W. A. Richards, 1894; De Forest Richards, 1898, and re-elected in 1902, died in 1903, succeeded by Fenimore Chatterton, secretary of state.

Secretaries of state: Amos W. Barber, 1890 (became acting governor upon Governor Warren's resignation); Charles W. Burdick, 1894; Fenimore Chatterton, 1898, and re-elected in 1902; owing to the death of Gov. De Forest Richards, he became governor April, 1903.

Auditors of state: Charles W. Burdick, 1890; William O. Owen, 1894; Leroy Grant, 1898, re-elected in 1902.

State treasurers: Otto Gramm, 1890; Henry G. Hay, 1894; George E. Abbott, 1898; Henry G. Hay, 1902; Hay resigned in 1903, and was succeeded by W. C. Irvine.

Superintendents of public instruction: Stephen T. Farwell, 1890; Estelle Reel, 1894; Thomas T. Tynan, 1898, and re-elected in 1902.

Chief justices of the supreme court: Willis Van Devanter, 1890 (resigned soon after election and Judge Groesbeck became chief justice); Herman V. S. Groesbeck, 1890; Asbury B. Conway, 1897 (Judge Conway died in December, 1897, and was succeeded by Charles N. Potter).

Associate justices: H. V. S. Groesbeck, 1890; A. B. Conway, 1890; Homer Merrill, 1890; Gibson Clark, 1892; S. T. Corn, 1894 (appointed to fill vacancy caused by Judge Clark's resigna-

tion); Charles N. Potter, 1894; S. T. Corn, 1896; Jesse Knight, 1897.

To the world at large Wyoming is best known through the Yellowstone National Park, with its Grand Canon and Falls of the Yellowstone, its wonderful natural formations, and its far famed geysers. The park was first discovered by John Colter, in 1807, but was not made known to the public until after several government exploring expeditions, the last of which was in 1871. In 1872 congress passed an act setting it apart as a perpetual reservation for a pleasure resort and for scientific investigation. The park is thus described by the secretary of state, in the Wyoming hand-books: "The English language is rich in adjectives and all have been brought into service but failed to picture the Park. In spite of the attempts of the word painter it has not been described. Each one must see for himself to appreciate the generosity of Mother Nature, who has here planned entertainment for every mood of every character. The poet may find his theme, the artist an inexhaustible supply of studies, the scientist a rich field for work. The lover of the grotesque will linger in the hoodoos. The mud geyser will satisfy a craving for the horrible. Spluttering pools and boiling springs will testify that the stokers of the lower regions are never off duty. The geysers bear a family resemblance to one another, but each has an individuality in cone and action. The Grand Canon with its many-hued walls might alone invite the world to be its guest.

"The scenery of the Park is not equalled by anything in the world. It is too grand, its scope is too immense, its details too varied and minute, to admit of even an attempt at its description within these pages. For nearly every form, animate or inanimate, real or fancied, ever seen or conjectured by the imagination may here be seen. Its colors and blended tints baffle the artist's brush, and language is inadequate for its portrayal. It is here in this vast solitude that one stands in silent awe and feels Nature's exalted, compelling theme in his heart, and hears the deep diapason of her mightiest and most mysterious anthem as it swells out in thunder tones or sinks into sweetest, softest melodies. Here, too, is found all in nature that is chastely beautiful, hidden away in some dim-lighted alcove or bower, while all about is the grim-visaged and towering strength of the silent mountain sentinel. The eye is never weary, for the scene is ever shifting, ever becoming more and more beautiful, grand, imposing and impressive. Here all is quiet, rest, beauty, sublimity."



Still, all the wonderful natural formations in Wyoming are not confined to the National Park. The canons of the Big Horn rival in grandeur the famous Black Canon of the Arkansas or the Grand Canon of the Colorado. South of the Yellowstone Park lies the region known as Jackson Hole, that, with its pellucid lakes and rugged peaks of the Teton range, challenges in beauty and sublimity the lakes and Alps of Switzerland. In Crook county a huge, solid basaltic column, known as the Devil's Tower, rises 1,300 feet above the plain, forming a landmark that can be seen for miles. In 1897 a tract of land ten miles square, and containing the Big Horn Hot Springs, was obtained from the Shoshone Indians and ceded to the state. These springs are located on the Big Horn river, near the northeast corner of the Wind River reservation. The main spring flows from the foot of an elevation called Monument Hill. It discharges about 800,000 gallons an hour, the temperature of the water being one hundred and thirty-five degrees Fahrenheit. Of the medicinal properties of the water an eminent medical authority says: "Its alterative properties are most notably shown in cases of rheumatism, some forms of gout and specific venereal diseases. . . . In the treatment of all the disorders which have rendered the Hot Springs of Arkansas and the springs of Aix-la-Chapelle, France, famous, the Big Horn Hot Springs are fully equal if not superior, and all that is needed to secure them equal reputation is adequate transportation facilities and proper provision for the care and comfort of patients who visit them."

At Saratoga, in Carbon county, are hot springs whose medicinal virtues have been known for years. Mineral springs are found in several localities, and, in fact, all over the state there are natural curiosities to excite the admiration of the visitor.

More than twenty-five years ago Wendell Phillips, in one of his lectures at Harvard University, said: "The first glimpse we get of Saxon blood in history is that line of Tacitus, in his 'Germany,' which reads, 'in all grave matters we consult our women.' Years hence, when robust Saxon sense has flung away Jewish superstition and Eastern prejudice, and put under its foot fastidious scholarship and squeamish fashion, some second Tacitus from the valley of the Mississippi will answer to him of the Seven Hills, 'In all grave matters we consult our women.'"

Within ten years after that lecture was delivered the second Tacitus answered in the work of the Wyoming constitutional convention. In all grave matters connected with the policy and

progress of Wyoming the women have been consulted: not as mere honorary members of an advisory committee, but on a perfect and complete level with the sterner sex, and her influence is reflected in the laws, politics, and institutions of the state. While, in the commercial world, great importance may be attached to the production of coal, wool, oil and cattle, the crowning glory of Wyoming in history is that she was the first commonwealth in the world to emblazon on her coat of arms the figure of a woman bearing aloft a banner with the motto "Equality."











